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DOCUMENTS
AND
OFFICIAL REPORTS,
ILLUSTRATING
THE CAUSES WHICH LED TO THE
REVOLUTION IN THE GOVERNMENT
OF THE
SENECA INDIANS,
IN THE YEAR 1848,
AND TO THE RECOGNITION
OF THEIR
REPRESENTATIVE REPUBLICAN CONSTITUTION,
BY THE AUTHORITIES
OF THE
UNITED STATES,
AND OF THE
STATE OF NEW YORK.

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1857.



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OFFICIAL REPORTS

OF THE

COMMISSIONERS OF THE GENERAL LAND OFFICE

IN RESPONSE TO A RESOLUTION

PASSED BY THE HOUSE OF COMMONS

IN 1861

UNITED STATES

DEPARTMENT OF THE INTERIOR

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1862

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DOCUMENTS

AND

OFFICIAL REPORTS.

A portion of the Seneca Chiefs having, in the year 1838, been induced to sign a Treaty, by which they conveyed to a company of speculators, the entire remains of the Land in the State of New York, belonging to the Seneca Nation; being about one hundred and twenty-five thousand acres. (125,000.) This Treaty was laid before the Senate of the United States, and referred to a Committee of that Body, who with a zeal and industry becoming the importance of the subject, went into a careful examination of it, and of the Documents that accompanied it. In the course of their investigation, they found that they could not recommend its ratification. While it was under consideration, the Indians came forward and charged that fraud, perjury, and bribery had been used in obtaining signatures to it; they also stated that a majority of the Chiefs neither approved of, nor had signed it. Upon this information being received, the committee of the Senate without consultation with the Senecas, remodeled and changed its original character, so thoroughly, as to make it quite a different Treaty, and then reported it back to the Senate. In this form the Senate concurred with it, and on the 11th of the 6th month, 1838, adopted a resolution which provided for a reconsideration of the Treaty by the Indians; and that the same should have no force or effect whatever, as it relates to any of the Tribes, Nations or Bands of New York Indians, nor should it be understood that the Senate had assented to any of the contracts connected therewith, until the same with the amend-

ments therein proposed, should be submitted and fairly explained by a Commissioner of the United States to each of said Tribes or Bands *separately assembled in Council*, and they had given their free and voluntary assent to said Treaty, as amended, and to their *contracts connected therewith*, in which case only, it was to be binding.

The President of the United States, to whom the subject now stood referred, in the message to the Senate, dated January 13th 1840, expressly says:—"The provision of the resolution of the Senate of the 11th of June, 1838, requiring the assent of each of the said Tribes of Indians to the amended Treaty to be *given in Council*, and which was also made a condition precedent to the recommendation to me of the Senate of 2d March 1839, to carry the same into effect, *has not been complied with as it respects the Seneca Tribe.*"

In this Message of the President, he further says:—"With reference to the transactions in council at Cattaragus, in August, 1839, before alluded to, no advance towards obtaining the assent of the Seneca Tribe to the amended Treaty in *Council* was made, nor can the consent of a majority of them in council be now obtained." In allusion to the charge of bribery, the evidences of which were overwhelming, the President says:—" *That improper means have been employed to obtain the assent of the Seneca Chiefs, there is every reason to believe*, and I have not been able to satisfy myself that I can consistently, with the resolution of the Senate of 2d March 1839, cause the Treaty to be carried into effect, in respect to the Seneca Tribe."

The amended Treaty however, which stripped the Senecas of the last remains of their paternal inheritance, was approved by the casting vote of the Speaker of the Senate, and ratified by the President of the United States, *notwithstanding it had been returned by him to the Senate*, with the information that "the assent of the Seneca Tribe had not been given, nor could it be obtained to it:" and further, referring to the Bribery contracts made with the Chiefs that had signed it, he had stated "that there was every reason to believe that improper means had been employed to obtain the assent of the Seneca Chiefs, and therefore

he could not consistently, with the resolution of the Senate, of 25th March, 1839, cause the Treaty to be carried into effect, in respect to the Seneca Tribe."

When information reached the Indians that the Treaty, as it had been amended by the Senate, was ratified, and that by it, their Lands would be taken from them; and further that if they did not voluntarily surrender and leave them, they would by compulsory measures be forced to do so, and be driven into a distant wilderness where they fully expected poverty, disease and death awaited them; they were plunged into the deepest despair. In a letter from one of the Chiefs, he says:—"On the annunciation to the Indians of this result, consternation and gloom were every where spread over our villages. Relying upon the protection of the Government, and the justice of our cause, we were not, after the disclosures of the means employed to obtain that Treaty, prepared for this issue, and on being apprised of it, the deepest distress was manifested; our women were seen on all sides weeping in their houses, and along the roads as they passed to their occupations, and in the fields whilst employed in their labours."

In their distress they appealed to the Society of Friends, for advice and assistance, and on the 28th of the 5th month, a meeting of the committees appointed by the four Yearly Meetings was convened, when upon taking into consideration, the application of those Indians, and being informed that their Chiefs desired to have a conference with them, the Committee appointed a Delegation to meet them at Farmington in the State of New York on the 17th day of the 6th month, 1840. On arriving there, the Delegation was met by the head Sachem of the Seneca Tribe, and other Chiefs, with two interpreters, when, after stating to the Committee that they had desired the present interview for the purpose of asking their advice and assistance, in the perplexed and very distressed situation to which they were brought by the sale of their Land, under a Treaty to which the Seneca Nation had not been a party, nor ever assented, the Sachem said:—

"*Brothers*, we are in trouble; we have been told that our Land has been sold, and under the accumulating difficulties and trials

that now surround us, we solicit your advice and sympathy. We feel more than ever, our need of the help of the Great and Good Spirit. May his counsel guide and direct us in wisdom."

"It is known to you brothers, that at different times our Nation has been induced to cede by stipulated Treaties to the United States. various Tracts of our Territory, until it is now so small that it only affords us a home. Brothers, We hoped by the liberal concessions we had made of our lands to secure the quiet, unmolested occupancy of this small residue. But we have abundant reason to fear that we have been mistaken. The Agent and surveyor of a company of land speculators, known as the "Ogden Company," have been on here, to lay out our Land for the purpose of selling it off. We have protested against their proceeding and forbid them."

"*Brothers* what we want is, that you should intercede with the United States Government in our behalf. We wish you to know, and we want you and the Government and people of the United States to know, that we never signed that Treaty to give up our Lands. Of the six hundred Indians who compose our Band, (Tonawanda*) one individual only, signed it, and he resided at Buffalo. This Treaty which we know has been ratified by President Van Buren is a fraudulent one. Ransom H. Gillet, the Government Agent, violated the good faith of the Government and the Law respecting the ratification of Treaties, by applying to Indians at their houses, some of them upon their sick beds, also on the highways and at Taverns and offering them money if they would sign said Treaty. We wish it also to be known, that in the General Council convened at Buffalo for the express purpose of considering this Treaty, sixteen Chiefs only were in favor of signing it, and sixty-four were decidedly opposed to it."

*The Tonawandas are a distinct band; their Reservation is situated not less than fifty miles from the Cattaraugus Reservation and still more remote from the Allegany Reservation. They are not politically connected with either of those bands, and they disclaim any participation in the amended Treaty, and deny that the Chiefs residing on other Reservations, who signed away their land by that Treaty, had any right or authority to do it.

"That Jimmy Johnson, the head Chief of the Seneca Nation, never signed that Treaty, and the putting of his name to the Treaty, whether by the Agent or some one else, *was a forgery.*"

"*Brothers*, we want the President to know that we are for peace, and that we only ask the possession of our rights. True, we are small in number, but we ask for justice. We want to be allowed to live on our Land in peace. We have no wish to leave it. It is the residue of the Land of our fathers, and here we wish to lay down our bones in peace."

Under the circumstances these Indians then appeared to be placed, the Committee, though deeply sympathising with them, saw no way at that time by which they could afford them any relief, and in the course of their reply to the address of the Indians, after some consultation the Committee agreed to return them the following reply.

"*Brothers*:—We have considered your request that we should give you counsel and assistance. We have looked all around us for a right way, and a safe path for the Indians to walk in, and we have concluded to give you our advice. You say that the Seneca Nation has not sold its Lands. You assure us that the Treaty lately ratified by the Senate of the United States was not executed according to the conditions solemnly adopted and prescribed by that body. You say that it was not signed by a majority of your Lawful Chiefs. You have told us that many who did sign it, were bribed by large sums of money to induce them thus to act, without the authority, and contrary to the will of your people. You also tell us that some of the names signed to the Treaty are forgeries, and that under these circumstances you are not willing to leave your Lands, which the Great Spirit gave you, and which the Government of the United States, by Treaties with your people, have assured to you in the most solemn manner."

"*Brothers*, we cannot advise you to resist by force, even in an unjust decree. To do so would be wrong. That path is a bloody path—it is strewn with the dead and the dying. The Great Spirit leads none of his children into that path."

"*Brothers*, we have understood, and we believe it to be true,

that the Senate of the United States has ratified the Treaty, and that the President has proclaimed it to be the Law of the Land."

"*Brothers*, Listen!—The Great Spirit loves quiet peaceable children and when they walk in this path, he is always near to them—he hears all their cries—he sees all their afflictions and distress, and in his own time, sends them relief in his own way, which is the best way."

"*Brothers*, we think it best for you, at this time, to remain peacefully and quietly on your own Lands. keep as much as possible at your homes, till your ground, take care of your stock, provide for your families, let your children be taught useful learning, and as much as possible live peaceably with all men."

"*Brothers*, the Society of Friends have felt much sympathy for your people—we have heard with great pain, of the wrongs and injuries which have been heaped upon you—we have seen your tears and have wept for you—we have remembered the kindness of your fathers to our fathers when you were a strong people, and we were few in number, and very weak; and we now wish to do all we can to help you. We have concluded to address the Governor of Massachusetts, the Governor of New York, and the House of Representatives of the United States, on your behalf."

"*Brothers*, we now bid you farewell; and in doing so, we wish to inform you that we will not forget our Red Brethren, but intend, with the help of the Great Spirit, to continue our efforts to aid them, and to promote their present and future welfare."

The Committee having gained all the information they could obtain, relative to the means by which both the Treaty of 1838 and the amended Treaty of 1839 had been procured, and being fully satisfied, from reliable evidence, that the representation made by the Indians was proved to be true, and that the President was correct, when on returning the amended Treaty to the Senate, he stated, "*that the assent to it never was given according to the directions of the Senate, by a majority of the Chiefs*," and also when on alluding to the bribery contracts, he said, "*improper means have been employed to obtain the assent of the Seneca Chiefs to the amended Treaty*." They accordingly proceeded to present Memorials to both Houses of Congress, and to

the executive of Massachusetts, in which, clear statements were laid before these authorities, relative to the injustice that had been inflicted upon the Seneca Indians. But discovering there was but little prospect of obtaining effectual relief from Congress, they concluded to apply to three of the most eminent Legal Counsel in the United States, who, after considering the matter, informed the Committee, "that the Treaty having been duly approved by the Senate, and ratified and proclaimed by the President, it had passed through all the requisite forms necessary to give it validity, and would be sustained and carried into effect by the Courts of Law; an appeal therefore to the Courts of the United States, would be useless, as the Courts would not go behind the Treaty to enquire into the means by which it had been procured or negotiated." This being the state of the matter, there seemed to be no hope of any relief for the Indians. A member of the Committee, however, called on Daniel Webster; one of the Counsel, who had been consulted, and enquired of him if he could suggest any measures that might enable the friends of the Senecas to rescue them from the impending destruction that then threatened them? After some conversation he replied, that perhaps something might be gained by a compromise:—this he said was the only resource he could see, and he advised the Friends of the Indians to make the effort.

Approving of this proposal, the Friend who had called on Daniel Webster, went at once to the office of John C. Spencer, then Secretary of War, to which Department the Indian Bureau was an appendage, and made a full representation to him of the manner the Indians had been treated, and the inevitable destruction, the Treaty, if carried into effect, would bring upon the Seneca Nation.

On hearing this statement, the Secretary of War was deeply impressed, and with an earnestness and zeal which reflected the highest honor upon him as a lover of justice, and as a humane man, he said he would see if anything could be done. He immediately wrote to Thomas L. Ogden, the leading Counsel and Agent of the Ogden Company, and suggested to him whether, "considering the efforts that would be made, and the powerful

influences that would be enlisted, to befriend the Indians, whatever might be the issue of a suit, as the contest would lead to a protracted litigation, and involve very heavy expenses, would it not therefore, be most to the interest of the Land Company, to endeavour to enter into some compromise, by which they might come into an undisturbed possession of a portion of their purchase;" and he added, "if this course should be approved he would endeavor to assist in carrying it into effect." He recommended that an Agent properly authorised should come on to Washington, and as he passed through Baltimore, call on a Member of the Committee of Friends there, whom he named, and have some conversation with him. The Counsel of the Ogden Company followed this advice, had a conference in Baltimore with the Friend named, and they both went to Washington.

Without entering into further details, it will be sufficient to add, that through the well directed exertions of John C. Spencer, who will long be gratefully remembered by the Indians, a compromise was effected, by which 53,000 acres of the Seneca Lands were restored to them, and an understanding entered into and agreed upon by the parties, in the presence of the Secretary of War, 1st—That should these Indians at any time hereafter, desire to dispose of their Lands and emigrate to the West, their Friends would not interfere to prevent them. 2d—Until they should desire to do so, neither the Ogden Company, nor their Agents, would in any manner annoy or disturb them. How far the parties have complied with this agreement, the Documents hereafter recorded will show.

After the execution of the compromise Treaty, by which two of their Reservations were returned to them, the Indians feeling themselves assured of a home, began to remove to their new habitations—to clear their lands and extend their agricultural operations: The hand of industry was now seen on all sides—new settlements were made—commodious dwellings were erected—barns built, and their fields enclosed with substantial fences. But they had not long enjoyed this repose before they discovered new intrigues and schemes were in preparation to circumvent

them. It was in vain that their friends assured them they held an *absolute* and indefeasible title to their remaining Reservations, and that no power could legally dispossess them without their own consent. These assurances did not remove their fears. They had not forgotten that General Washington, when President of the United States, in a speech to their distinguished Chief, Cornplant, had given them the same assurance. "Hear well," said that illustrious statesman, "and let it be heard by every person in your nation, the President of the United States declares, *that the General Government considers itself bound to protect you* in all your lands secured to you by the Treaty of Fort Stanwix, in 1784. In future you cannot be defrauded of your lands. You possess a right to sell your lands, and therefore the sale of your lands in future will depend entirely on yourselves."

In addition to this solemn pledge given to them by their "Great Father" the President of the United States, they had, in reply to an address delivered from their nation to Dewitt Clinton, when Governor of the State of New York, received a similar assurance, viz :

"All the right that the Ogden Company have to your Reservations is the right to purchase them WHEN YOU DEEM IT EXPEDIENT TO SELL THEM—that is, they can buy your lands, but no other person can.

"You may retain them as long as you please. No man can deprive you of them without your consent. The State will protect you in the full enjoyment of your property."

Notwithstanding these solemn assurances, the poor Senecas have from that day to the present, seen their princely domain, embracing millions of acres of the finest land in America melt away like snow beneath a summer sun. Notwithstanding the promise that the General Government would "protect them in their possessions," and the assurance that they *should not be defrauded of their lands*, they had even within the past three years, seen the last inch of the fragment left to them of that territory, wrested from them by a fraudulent treaty, *to which the Seneca nation* in reality had not been a party; and that this treaty, after its frauds had been exposed, was sanctioned by the

very Government which the illustrious Washington had declared was "BOUND TO PROTECT THEM." Can there be any surprise then that this remnant of a "peeled and scattered nation" should anxiously desire to know "what there was in their present position, to secure them from the loss of the little remains now restored to them of their once extensive Territory."

Scarcely had the arrangement by which two of their Reservations were restored to them, been agreed upon and duly signed by the parties, when the Indians discovered that emissaries professing to be their friends, were actively endeavoring to organize an opposition to the Treaty of 1842, and that by their intrigues they had already succeeded in producing so much unsettledness and disquietude, that it was deemed necessary to call a General Council of the Nation for the purpose of reconsidering the matter; which Council a committee of Friends were requested to attend. This Council met on the 20th of the 6th month, 1843, and was attended by about 70 Indian Chiefs, and also by Samuel Hoare as Commissioner from Massachusetts; Ambrose Spencer, Commissioner on the part of the United States; — Dixon, appointed to represent the State of New York, and by a delegation from the four Yearly Meetings of Friends who had aided the Indians in the recovery of a portion of the land that had been taken from them. After a thorough examination into every clause of the treaty, and the Indians had been brought fully to understand all its provisions, and become convinced that it afforded the only security they had for the title and occupancy of the homes that had been restored to them, they decided by an almost unanimous vote, that the nation ratified and confirmed it.

"With a pace as steady as time, and an appetite as keen as death"—nothing daunted by this defeat, the cormorants who were persisting in endeavoring to despoil these Indians and to drive them into a distant wilderness, regardless of the miseries and destruction that might follow, very soon concocted a new scheme, and renewed their efforts to effect their removal, by organizing among them, an emigration party, by which they would effect the removal of as many of them as could be prevailed on to abandon their homes and emigrate to the West.

The principal agent in getting up and promoting this emigration excitement, appears to have been a certain Doctor Hogeboom. In a memorial to the President of the United States, from the Seneca Chiefs, they state that "one Doctor Hogeboom represented himself as having been appointed by the Executive of the Government of the United States, as a removing agent, to accompany such of our people as are anxious to remove to the country west of the Mississippi River;" "and the said Dr. Hogeboom also stated, that he had authority, power and instructions to remove from 2 or 3 individuals to 500 souls. That the said Doctor Hogeboom further stated, that he had the funds of the Government in his hands, and that he was merely waiting for the opening of the navigation of the lakes. On the other hand we are told by the United States Indian Agent, Stephen H. Osborne, of the city of Buffalo, that the subject of emigration to the country west of the Mississippi, must now be forever abandoned."

"The undersigned feeling a deep and anxious solicitude for the welfare of our people, and fearing that on account of these contradictory statements, much loss and injury may be sustained by such of our people who may be duped by the statements of Dr. Hogeboom, they will reap much suffering, and many of them will be reduced to poverty and starvation. We therefore request your Excellency to call a convention of the Tribes interested in this matter, or in any other way your Excellency may think proper, in order that our people may become undeceived and settled."

•
Signed by nineteen Chiefs.

The Doctor appears to have so managed his plans, as to have found means to obtain from among the Indians considerable auxiliary assistance and co-operation, in furthering his emigration purposes. From the time of the execution of the Treaty of 1838, there had been a feeling of distrust in the minds of the Seneca people towards those Chiefs who had been induced to sign that Treaty. The corrupt means by which they had been induced to execute that instrument—the enormous bribes that had been received by them, and the perjuries and forgeries by which that fraud was accomplished, had been traced and made public, and

an irreconcilable jealousy between the people and the Chiefs was the consequence.

While the Indians however had been kept in a state of uneasy unsettled restlessness among themselves, the *Entente cordiale* between the Land Company, and that portion of them who had aided in procuring the Treaty of 1838, was not interrupted—the requisite appliances, to secure and preserve a good understanding between these confederates not having been omitted. The Indians were aware of this, and one of their Chiefs, in a council held at Cattaraugus in 1847, referring to the necessity they were under to depend upon the Friends who had assisted them in their times of trouble, said;—“These Friends have stood by us as a faithful shepherd stands by his flock; they have not only warned us when the wolf was near, but came to our relief and drove him off. We need their help now as much as ever we did. The wolf may even at this very time be nearer than we suppose, and before we think of him, he may seize us by the throat. We also stand in need of their assistance to protect us from *the Traitors we now have among ourselves*. Let us then hold fast by them, as our true and faithful friends.”

Notwithstanding the opposition that was made to the proposed Emigration of the Indians, Hogeboom, it appears, succeeded in decoying off, according to his own account, two hundred and nineteen of them, including men, women and children, and having conducted them to some remote place beyond the Mississippi River, he there left them, without any shelter to cover them, or food to sustain them.

It was not long after these two hundred and nineteen Indians had been thus abandoned, before intelligence reached their friends who remained at their homes in New York, that these deluded victims were in a perishing condition. The want of wholesome food, and the severe privations to which they were exposed, was followed by a malignant contagious fever, from which, it was represented, they were rapidly dying. As soon as this information reached their friends at Cattaraugus, the following letter, under directions of the Chiefs, was addressed to the Committee of Friends who had for some years before extended assistance to these Indians.

CATTARAUGUS RESERVATION, 21st Sept., 1846.

"A sad and melancholy intelligence having been received from our friends, who removed from this State to the West last spring, representing that they were all dying off, eighteen or twenty having already died, and that those not dead were all sick. In consequence of the above information, the Chiefs met on Saturday last, the 19th instant to consider the propriety of adopting some measures for their relief. They directed me to address you a letter, requesting your assistance in ascertaining from the proper Department at Washington, whether the Government considers the Indians removed from this State last spring, are under its protection, in pursuance of the Treaty stipulations? I will state to you the reasons of this inquiry. The Chiefs have understood that the Government have disowned the acts and proceedings of Hogeboom. If this is the case, the Chiefs are fearful that our Indians left at the West, are destitute of subsistence or means of support, and are dying for want of medical attendance to the sick. Please to inform us as early as may be convenient, of the result of these enquiries."

I am, very truly, &c.,

NATHANIEL T. STRONG.

TO PHILIP E. THOMAS,

Sec. to the Committee, &c.

The committee after consideration concluded to lay the foregoing communication before the Commissioner of Indian affairs at Washington, and in reply the following letter was received from him :

WAR DEPARTMENT,

OFFICE OF INDIAN AFFAIRS, 23d Feb., 1847. }

Sir:—The application for the removal of the Seneca Indians back to New York, who emigrated west from there last summer, has been duly considered. With every disposition to gratify the wishes of the Society of Friends, and of the New York Indians, so far as it could properly be done, I have to inform you that the Executive Department of the Government has neither the authority nor the means to justify a compliance with their

desires. In this particular Congress only could authorise the measure, and provide the requisite means for the expense it would involve.

Respectfully your obedient servant,

W. MEDILL.

To PHILIP E. THOMAS, *Baltimore*

Upon ascertaining that no relief could be expected from the government, and that the relations and friends of those Indians were unable to afford their suffering kindred any effective aid, the committee after considering the deplorable condition to which those miserable people had become reduced, by the cruel deception practiced upon them concluded to forward \$500 for their immediate relief, and for the assistance of such of them as might desire to return and be in a condition to be removed; and the Superintendent of the Friends' School at Cattaraugus, accompanied the agent employed to visit and aid them.

Upon arriving at this Golgotha, it was ascertained that about one-half of the 219 that had been inveigled away were already dead—that those yet living were in a most emaciated condition, and that among the survivors there was not one individual in good health!

Measures were immediately taken to collect and bring off all that were yet alive—some of whom died before they reached their former homes; and among those that did return there were several suffering under a malignant Typhus fever, which being contagious, was communicated to their friends, and spreading over the Reservation, carried a considerable number to their graves. Thus ended this, to the Indians, memorable enterprize of Doctor Hogeboom! If the Doctor did not accomplish all that its projectors anticipated, he did succeed, so far as to relieve the pre-emptionists of near 200 of the encumbrances upon their "promised land," and by an effective emigration conducted them to a world whence they will never return.

This appalling calamity produced a temporary calm among the Senecas, but a new subject of dissention was soon found in the provisions of a law, which at their own request, had been passed

by the Legislature of New York, for the protection of their timber, and which conferred upon them the power to establish certain municipal regulations adapted to their exigencies; and it also prohibited the introduction of Spirituous Liquors among them. After some considerable contention, this excitement however subsided.

The execution of the fraudulent Treaty of 1838, by which the Senceas found themselves robbed of the last foot of soil that had descended to them from their forefathers, and the corrupt means by which this had been accomplished, finally extinguished the hereditary confidence the Indians had reposed in their Chiefs, and although a portion of their land had been restored to them by the compromise treaty of 1842, the wounds inflicted by the two previous treaties had never been healed. Not a few of the younger Indians had by this time received some education, their dormant intellectual faculties had been awakened—they had become enabled to see and understand their real situation, and were convinced that their ancient form of government was not adapted to the necessities of the nation in its present improved condition. Moreover, they had been taught by experience, the danger of placing power in the hands of irresponsible, venal men, who had been, and again might be seduced, and without their knowledge or consent, co-operate with, and assist an association of heartless speculators, in taking from them their homes, and driving them into some distant wilderness, to perish. They therefore resolved to reform their political Institutions.

This conclusion was strengthened by the clear evidence before them, that there were still retained in their midst, stereotyped emissaries and spies, who had already once betrayed them, and who still continued to be in close communication with their unslumbering and rapacious enemies, and they came to the fixed determination to abolish their existing form of government, and to divest their Chiefs of the arbitrary and irresponsible power they had assumed.

Having come to this resolution, the nation assembled in general convention, at their Council house on the Cattaraugus Reservation, in order to take into consideration their many grievan-

ces, and after mature deliberation, adopted a free Representative Constitutional Republic, under the provisions of which, the administrators of their laws would be held responsible to their constituents, and be subject to removal, whenever the people might judge it necessary.

There were many heavy complaints against the Chiefs, not only as regarded the payment of their Annuities, but also as respected the application and embezzlement of the public money, and other matters. Their offensive exertions to exercise an absolute authority, also occasioned much dissatisfaction, and, added to the general apprehension, that there was danger they might, by the same appliances that had induced them to sign the corrupt treaty of 1838, be again prevailed on to sell the public lands.

As early as the year 1845, they presented a petition to the Legislature of New York, in which they say: "Let not our lands be taken from us. If our Chiefs can sell our Lands, the white buyers will come to the edge of our Reservation, with money and whiskey, and promises of Lands, and will call over the Chiefs one by one, and talk with them, and there will be a Council and a long talk; and when the Council has broken up, Chief after Chief will put his mark to some paper, in the woods, or in his Wigwam, or in some Grog shop, or Lawyer's office; and our children will have no land to stand on. These things have been; let them be so no longer."

"By your laws, if a man approach one of your Judges, Sheriff, or other public officers, with a bribe, to induce him by money, to violate his duty, or betray his trust, he is punished by fine and imprisonment. Give us and our Nation the benefit of such a law, to secure us against the intrigues of the white man, in his attempts to corrupt and defile our Chiefs, or any of our people. And in fine, provide for us plain and wholesome laws; such as we need, and your wisdom may decree."

As a further measure to preserve the remnant of their Lands yet left, the Nation in a General Convention at Cattaraugus, duly assembled, on the 30th of the 1st month, 1845, adopted the following constitutional ordinance:

Whereas, the usage, practice and custom of the Seneca Nation of Indians, to sell and dispose of their Lands, by the consent and agreement of a majority of their Chiefs, without the express consent of the Warriors and people of the Nation, has, in these latter days of our weakness and limited Territory, given great uneasiness to our people, and created an apprehension among them, that while this power continues to be thus vested, our homes will be insecure. And, Whereas, our people have become impressed with the belief, that they and their children must be in continual fear that their Lands will be sold without their consent, and the deepest misery be entailed upon them and their posterity. And, Whereas, a General Council of the whole Nation, convened at the Council House at Cattaraugus Reservation, on the 28th day of January, 1845, for the purpose of considering this subject, and of so altering our political usages and organization, as after mature deliberation, it should be deemed wise and expedient.

And, Whereas, also the Sachems, Chiefs, and head men of the said Nation, duly assembled in Council, have, after full discussion and mutual deliberation, determined that the welfare of the Nation, and the security, prosperity and happiness of their people require that the express assent of the Warriors and people, as well as of the Chiefs of the Nation, should be necessary to a valid sale or disposition of their Lands. Therefore, we, the Chiefs and Representatives of the Seneca Nation of Indians, in such General Council assembled, acting for, and in behalf, and by authority of the said Nation, and in the exercise of the inalienable right of the said Nation, to alter and modify their political customs and usages, when it becomes necessary for their security, prosperity and happiness, do hereby, in the name and behalf, and by authority of the said Seneca Nation,

Resolve, determine, ordain, publish and declare, that our political usages, customs, organizations and constitution be, and the same are hereby altered and amended, so that no sale or disposition of the whole or any part of our Lands, hereafter to be made, shall be valid, or of any effect, unless the same be made in full and open Council of the Chiefs and Warriors of the Nation, and by the express assent of two-thirds of all the Chiefs, and two-

thirds of the whole residue of the male population of the Nation, of the age of twenty-one years, and upwards, whether attending such Council or not; such assent to be given in writing, under the hands and seals of the parties, in full and open Council of the Chiefs and Warriors of the Nation, assembled together in one Council; but nothing herein contained shall, in any manner, alter, change or effect, lessen or diminish the rights, powers duties, privileges or authority of the Chiefs in any other matter or respect whatever. And we do further

Resolve and determine, that this ordinance or act of the Nation, be entered at length in the records of this Conneil, and that four copies thereof be signed by the Chiefs assenting thereto; one of which copies shall be delivered to the President of the United States, with the request that the same may be deposited with the Archives of the United States; one of which shall be presented to the Governor of this State, with a request that it be sanctioned by the State, and filed with its records; one of which shall be presented to the Governor and Council of Massachusetts, with the request that it may be deposited among the Archives of that commonwealth, and kept in perpetual remembrance by its Governor and Council; and the other of which shall be deposited and kept with the Archives and Records of the Seneca Nation.

Done and signed in open Council, at Cattaraugus, the 30th day of January, 1845.

JOHN SENECA,
And forty-nine other Chiefs.

The following Memorials from the Seneca Women, afford further evidence of the dissatisfaction and uneasiness that the proceedings of the Chiefs had produced, and their withdrawal of confidence from them:

MEMORIAL OF THE SENECA WOMEN, TO PHILIP E. THOMAS.

CATTARAUGUS RESERVATION, Oct. 13th, 1848.

To our respected friend, Philip E. Thomas.

The Women of the Cattaraugus Reservation wish to address to you a few words, in this time of our trouble, and we do so the

more cheerfully, because we know the Friends are always laboring to promote the welfare of the Females among the Indians, and to improve their condition. We would also request you to secure in our behalf, all the influence of the Society of Friends, so that our words may be strengthened and sufficiently powerful to be heard and regarded by the Secretary of War, and obtain from him the help which we desire. We wish you to inform the Secretary of War that we women have an equal right to our Annuities with the men, and with the Chiefs. We are all on the same footing as to the amount we are entitled to receive—Chiefs and Warriors, men, women and children. We were glad when we heard that the Secretary had instructed our new Agent to pay the Annuities this year, to the heads of families. We see no other way by which our rights can be secured to us, and justice done alike to all. We hope you will urge the Secretary to confirm his former instructions; for we were greatly perplexed and troubled when the Agent was induced to delay the payment, on the ground that the Chiefs insisted on the observance of the old custom in regard to it. We ask for our just rights, and nothing more, but we repeat it that we do not feel that our rights will be safe if these instructions to the Agent shall be reversed. We regret that the Agent should have thought it necessary to delay a strict compliance with his instructions, but we do not yet feel disheartened, for we have confidence that the Secretary will manifest a due regard to our rights; only we beg leave to repeat our request, that you will bring all the weight of your influence, and that of your society, to bear on this question, that he may be willing to confirm his former decision, and give every Indian—woman and child no less than others, the apportionment which of right belongs to each.

And we would desire to add, that we have already suffered greatly from the proceedings of the Chiefs, through whose instrumentality our poverty has been increasing upon us, and we wish to entreat that we may never again hereafter be exposed to be deprived *by them* of our rights, but that we and our children from time to time may be permitted to receive the full and proper share which rightfully belongs to us. (We are fully sensible

that it is a hard case to have a difficulty with the Chiefs, but we feel that we have been wronged by them, and our children have suffered already, and for a long time past, through their avarice and pride,) and we believe the things they have said in justification of themselves are not true. (It is by our pain and sorrow that children are brought into the world, and we are therefore interested in whatever concerns the welfare of our children. We have examined this subject, and we are satisfied that the party who are laboring to bring about an equal division of the whole of our Annuities, are the party really striving for the best interests of our children.) We have taken the same view of the subject which was taken by the old men long since dead, who first entered into these arrangements. They declared that every individual, man, woman and child, had an equal right to our moneys and to our lands, in short, to all our national property; that it was so from the beginning, and that it always should be so. We have taken the liberty to express our views, because we believe this to be the real truth, and we would earnestly advise the President, and Secretary of War, to secure to us now, and to our posterity in all time to come, the fulfilment of the original stipulation, that as long as wood should grow or water run, or a Seneca live to behold the light of the sun, these Annuities should be faithfully paid and righteously distributed.

With respect, your obliged friends,

BETSEY SNOW,	} On behalf of the Seneca women.
JULIA ANN x SNOW,	
JANE x SCOTT,	
GAANA x HOH,	
POLLY x JOHNSON,	
MARTHA x PHILLIPS,	

Done in presence of	}
JOSEPH S. WALTON,	
ASHER WRIGHT.	

MEMORIAL OF THE SENECA WOMEN TO THE PRESIDENT OF THE
UNITED STATES.

*To his Excellency General Zachary Taylor, President of the
United States of America.*

The undersigned, mothers, heads of families, wives and grown up daughters of the Seneca Nation of Indians, residing in Western New York, respectfully represent to our Father, the President, that we have heard with extreme regret that an educated young man from among our sons and brothers, is at Washington, importuning the President to undo the good which has been done for our people, by his predecessors, and to destroy the effect, so far as the Senecas are concerned, of the wise regulation that a portion of all the Indian Annuities should be distributed just at seed time, every spring, in order to facilitate and encourage agriculture. We wish our sons to be industrious—to be in the field, stirring the soil betimes, procuring a bountiful harvest as the fruits of God's blessing upon their own honest exertions; not leaving it for the women to raise the corn, as did their hunting, fishing and fighting forefathers. The days of hunting and fishing, and we trust, of Indian fighting, are gone by forever, and it pains us exceedingly that an educated son of ours, and one too, who, if he would consult the well being of his people, might be so smart a man and useful, should now be trying, either of his own will, or under the direction of those whom, if they had sought the public good, we still would have rejoiced to call our Chiefs, to thwart the wishes of this people, check the pursuits of agriculture, and bring embarrassing and perplexing want upon the destitute, who have been relying upon the stability of the United States Government for the relief of their necessities. We have many, and to us, weighty reasons why our Father, the President, should not heed the petition of our son, whom we did not send to speak for us to the President; but lest it should be thought that Indian women have tongues that never tire, we only add, that it is the earnest prayer of the undersigned, in their own behalf, and in behalf of a large majority of the mothers, wives and daughters of the Seneca Nation, that the

recognition of the new government may be permitted to stand, and that we may be paid our Annuities according to the rule adopted in 1847, for the payment of all the Tribes receiving Annuities from the Government, i. e., during the current month; and your memorialists as in duty bound, will ever pray.

Signed by Gua-na-ea, and nineteen other females, and attested by Joseph S. Walton, 4th mo. 2d, 1849.

In defiance of these reiterated manifestations of the public wishes, the recusant Chiefs, never for a moment relaxed their exertions to regain their former absolute power, and by their proceedings at home and their intrigues both at Albany and Washington, not unfrequently encouraged and assisted by their confederates of 1838, they succeeded in keeping the Nation in a state of perpetual agitation and disquietude. The pre-emptive claimants clearly perceived that under the existing constitutional government of the Indians, there would be no possibility of obtaining possession of the Seneca Lands—it was therefore, to them, a matter of vital importance to promote the overthrow of that constitution, and to restore to the Chiefs the power they formerly held, and still claimed to exercise, of selling and conveying away the lands of the people, with the houses they had built to shelter their wives and children, and the fields they had cleared and cultivated, for their sustenance. The people seeing this, and having no longer any confidence in these Chiefs, determined to change their form of Government, and to establish one that would dispense with them altogether. Accordingly a convention of the whole people, including a very considerable number of the Chiefs who had not participated in the iniquitous measures that had brought them to the brink of destruction, and who seeing the necessity of reform, were in favor of it, assembled at the council house, on the Cattaraugus Reservation, on the 4th of the 12th month, 1848, for the purpose of taking their grievances into consideration. Finding a large majority of the people there assembled, favorable to the adoption of a Constitutional Republican Government, they proceeded with great unanimity to adopt the following resolutions and declaration :

RESOLUTIONS

*Adopted by the Convention of the Seneca Nation of Indians,
December 4th, 1848.*

RESOLVED, That this Convention feel grateful for the religious and scientific instruction which benevolent societies and individuals have bestowed upon us, as well as for the introduction of proper means among us for our improvement: and particularly do we desire to express our gratitude to the Society of Friends; they were the first to introduce the means for our culture and improvement, and laid the foundation of our education and civilization, by which means we have become wiser and more enlightened, and been enabled to see and understand our rights; they also befriended and aided us when friendless, and without means to sustain ourselves in time of peril—always zealous and unremitting in their labors for our welfare. Also to the American Board of Commissioners, for Foreign Missions, in sending us missionaries and teachers to enlighten our minds and direct us to the true light, and teach us the plan of salvation: and also to the people of the State of New York, for their benevolent efforts in enacting laws for our protection and improvement, as well as for the large and generous appropriations made by them for the erection of school houses, and the payment of school teachers among our people, and we desire that these kind offices may be continued.

RESOLVED, That inasmuch as we have abolished our former government; that by so doing all appointments under that government have now become annulled, therefore,

RESOLVED, That the Seneca nation of Indians in this General Convention assembled, do hereby express their thanks to their friend and brother Sagaoh [Philip E. Thomas] of the city of Baltimore and State of Maryland, for the faithful discharge of his duties as representative of our nation (under our late government) to the United States Government at Washington, and having undiminished confidence in his integrity and ability, we do hereby constitute and appoint him our ambassador, under our new form of government, to represent us, and to have charge of

all the interests and affairs of the Seneca nation of Indians to the United States Government at Washington.

RESOLVED, That as it is customary among our people that whenever any important event occurs in the history of any member of our nation, either by the natural transition from childhood to manhood, from warrior to chieftain, or from chieftain to sachem, therefore we declare, that in consequence of this change in our government and of his re-appointment under the new, and with the consent of the relatives of our friend Sagaoh, that the name Sagaoh shall cease to be his name, by which he was called and known among us, and that hereafter his name shall be Hai-wa-noh (Embassador, representative, or Charge d'Affaires) because he is to represent our nation and people, by which appellation he is henceforth to be known among us, and that the ceremony of christening be immediately performed. [Whereupon the ceremony of changing the former Indian name and christening Philip E. Thomas, of Baltimore, was performed, according to our customs and usages, by Sa-dye-na-wa (John Hudson), and declared that the said Thomas may hereafter be known by the name of Hai-wa-noh. (Great sensation and applause of approbation.)

RESOLVED, That the Clerk and President are hereby authorized and empowered to prepare the credentials of Hai-wa-noh, [Philip E. Thomas] our embassador, whom we have hereby constituted and appointed; and forward the same to him as soon as practicable, together with the declaration, constitutional charter, and request him immediately to repair to the seat of the United States Government, and present them to the proper authorities, and also to notify him of the change of his name, and his appointment as an officer of the government of the Seneca Nation of Indians.

RESOLVED, That copies of the declaration, constitutional charter, and resolutions of this Convention be forwarded by the Clerk to the Joint Committee of the Society of Friends on Indian Concerns, and to the Governors of the States of New York and Massachusetts, with the request that the same be put on file in the proper offices, and that our representative be requested to

present copies of the same to the Congress of the United States, now convened at Washington, and to the Secretary of War, with the request that the same be put on file in their respective departments.

RESOLVED, That we have unabated and undiminished confidence in the abilities and qualifications of the United States Interpreter (Peter Wilson) for this agency, having always discharged his duty faithfully, and that inasmuch as the late chiefs under our former government have petitioned for his removal, without just and reasonable cause, we hereby request our representative to protest and remonstrate against his removal.

RESOLVED, That the Clerk be hereby instructed to prepare and forward copies of the doings and proceedings of this Convention to the publishers of the Buffalo Commercial Advertiser, and the New York Tribune, with the request that the same be printed in their respective papers.

I hereby certify that the above copy has been examined and compared with the original now on file in the archives of the Seneca Nation of Indians, by me, and is a correct transcript of the same, and of the whole of said resolutions passed by the General Convention.

WILLIAM JEMERSON,

Clerk of the Seneca Nation of Indians.

CATTARAUGUS RESERVATION, Erie County, N. Y.

December 5th, 1848.

DECLARATION

Of the Seneca Nation of Indians, changing their form of Government, and adopting a Constitutional Charter.

We, the people of the Seneca Nation of Indians, by virtue of the right inherent in every people, trusting in the justice and necessity of our undertaking, and humbly invoking the blessing of the God of Nations upon our efforts to improve our civil condition, and to secure to our nation the administration of equitable and wholesome laws, do hereby *abolish, abrogate and annul* our form of Government by chiefs, because it has failed to answer the purposes for which all governments should be created.

It affords no security in the enjoyment of property,—it provides no laws regulating the institution of marriage, but tolerates polygamy.

It makes no provision for the poor, but leaves the destitute to perish.

It leaves the people dependent on foreign aid for the means of education.

It has no judiciary, nor executive departments. It is an irresponsible, self-constituted aristocracy.

Its powers are absolute and unlimited in assigning away the people's rights, but indefinite and not exercised, in making municipal regulations for their benefit or protection.

We cannot enumerate the evils growing out of a system so defective, nor calculate its overpowering weight on the progress of improvement.

But to remedy these defects, we proclaim and establish the following Constitution or Charter, and implore the Governments of the United States and the State of New York, to aid in providing us with laws under which progress shall be possible.

SEC. 1. Our Government shall have a legislature, Executive and Judiciary departments.

SEC. 2. The Legislative power shall be vested in a council of Eighteen members, who shall be termed the Councillors of the Seneca Nation, and who shall be elected annually on the first Tuesday of May in each year: and who shall be apportioned to each Reservation according to its population, two-thirds of whom assembled in regular session and duly organized, shall constitute a quorum, and be competent for the transaction of business; but to all bills for the appropriation of public moneys, the assent of two-thirds of the members elected shall be necessary in order that the bill should become a law.

SEC. 3. The Executive power shall be vested in a President, whose duty it shall be to preside at all meetings of the council, having only a casting vote therein: and to see that all laws are faithfully executed: and to communicate to the council at every session a statement of the condition of the national business, and to recommend for the action of the council such matters as he

may deem expedient. In the absence of the President, the council may choose a presiding officer *pro tempore*.

SEC. 4. The judiciary power shall be vested in three Peace Makers on each Reservation; any two of whom shall have power to hold courts, subject to an appeal to the council, and to such courts of the State of New York as the Legislature thereof shall permit. The jurisdiction, forms of process and proceeding in the Peace Makers' Courts shall be the same as in courts of the justices of the Peace of the State of New York, except in the proof of wills, and the settlement of deceased person's estates, in which cases the Peace Makers shall have such power as shall be conferred by law.

SEC. 5. All causes of which the Peace Makers have not jurisdiction, may be heard before the Council or such courts of the State of New York as the Legislature thereof shall permit.

SEC. 6. The power of making Treaties shall be vested in the Council, but no Treaty shall be binding upon the Nation, until the same shall be submitted to the people, and approved by three-fourths of all the legal voters, and also by three fourths of all the mothers in the Nation.

SEC. 7. There shall be a Clerk and Treasurer, and Superintendent of Schools, and overseers of the poor, and Assessors, and overseers of Highways, whose duties shall be regulated by law.

SEC. 8. Every officer who shall be authorized to receive public money, shall be required to give such security as the President and the attorney for the Seneca Nation shall approve.

SEC. 9. There shall be a Marshall and two Deputies on each Reservation (Cattaraugus and Allegany,) who shall execute all processes issued by the courts, and do such other duties as shall be prescribed by law.

SEC. 10. All officers named in this constitution or charter shall be chosen at the same time, in the same manner and for the same term as members of the council, and vacancies occurring in any office shall be filled in the manner to be prescribed by law, and every male Indian of the age of twenty-one years and upwards, either residing on one of the Reservations (the Catta-

raugus, Allegany, or Oil Spring,) or owning, possessing and occupying any lands upon either of said Reservations, and which lands may have been taxed for highways or other purposes, shall be entitled to vote at all elections.

SEC. 11. Any legal voter shall be eligible to any office named in this Constitution or Charter, and all officers elect shall be inducted into office, and if necessary shall be impeached, by the use of such forms and regulations as shall be prescribed by law.

SEC. 12. The compensation of members of the Council shall be one Dollar each per day, while in session; but no member shall receive more than twenty-six Dollars during any one year. The compensation of all the officers shall be prescribed by law.

SEC. 13. The council shall meet annually on the first Tuesday of June, and Extra Sessions may be convened by the President at any time he shall think proper.

SEC. 14. The council shall have power to make any laws not inconsistent with the Constitution of the United States or of the State of New York.

SEC. 15. All offences which shall not be punishable by the laws of the United States or of the State of New York, shall be tried and punished in the Peace Makers' Court, or before the council as shall be prescribed by law.

SEC. 16. The rights of any member of the ancient Confederacy of the Iroquois, to the occupancy of our lands and other privileges shall be respected as heretofore; and the council shall pass laws regulating for the admission of any Indian of other tribes or nations, to citizenship and adoption into the Seneca Nation of Indians by his or her application for his or herself or family.

SEC. 17. This Charter may be altered or amended by a council of the people convened for that purpose on three months previous notice, by a vote of two-thirds of the legal voters present at such convention.

SEC. 18. The Saw Mills on the different Reservations now in operation, are hereby declared to be National property, and the funds accruing therefrom shall be by the Council appropriated to National purposes. But nothing in this charter shall be con-

strued as prohibiting the erection of Mills and other works for manufacturing or other purposes, by any private individual upon his own premises, provided that in so doing he do not trespass upon the rights of any other individual; and all such erections by individuals shall be respected as strictly private property.

SEC. 19. The laws passed by the Legislature of the State of New York for the protection and improvement of the Seneca Nation of Indians, and also all laws and regulations heretofore adopted by the chiefs in legal council assembled, shall continue in full force and effect as heretofore, except so far as they are inconsistent with the provisions of this Constitution or Charter.

SEC. 20. And in order to carry this form of Government into effect, we hereby provide and declare that Solomon McLane shall be President, and that John Cook, George Deer, John Green Blanket, John Bennett, Charles Kennedy, Little Joe, George Green Blanket, Andrew John, and John Luke, shall be members of the council, and that William Jemerson shall be clerk, and Andrew John Treasurer of the Nation, and John Hudson Superintendent of Schools, and Joe White, John Tallchief and John Shanks Overseers of the poor, and Peter Snow, Solomon Obail, and Thomas Shango Assessors, and Joseph Dudley, Stephen Silverheel, and John Pierce Overseers of the Highways, and Stephen Siverheel, Marshall, and Wm. Logan and Allen Jimeson Deputy Marshalls, and John Kennedy, jr., John Hudson and John Cook Peace Makers for the Cattaraugus Reservation.

And that Solomon W. MacLane shall be superintendent of Schools, and David Shango, Robert Watt, Benjamin Lewis, Peter Jimeson, John Snyder, Hamilton Shango, Mash Pierce, James Long John, and Jabez Jones Councilors, and John King, John Jimeson, Samuel Jones, Overseers of the poor, and Benjamin Williams, Jesse Plummer, and Dodge Fatty, Assessors, and Joseph W. Pierce, John Taylor, and Peter John Overseers of the Highways, and Ruben Jackson, Marshall, and James Tandy, Bush Pierce Deputy Marshalls, and Samuel W. Patterson, Tandy Jimeson, and Benjamin Pierce, Peace Makers for the Allegany Reservation,—until the election of officers on the first Tuesday of May next.

Done in a general council of the people held at the Council House
on the Cattaraugus Reservation, on the 4th day of December,
A. D. 1848.

S. McLANE, Chairman.

WM. JEMERSON, Clerk.

(Signed by the representatives of the people of the Seneca
Nation of Indians)

Andrew Snow,
John x Baldwin,
Allen x Jimeson,
Joel x Sundown,
Jack x Kenjokedey,
Henry x Philips,
John x Jones,
John x Tallchief,
Henry x Jacobs,
Young x Jackson,
Allen x Snow,
John x Shanks,
Paul x Peter,
Andrew x Fox,
Wm. x Spencer,
Philip x Kenjokedey, Sr.
James x Gordon,
John x Wilson,
Foster x Turkey,
Major x Harris,
Young x Farmer,
Henry x Moses,
Thomas x Shango,
Joseph x Jimeson,
John x Deer,
John x Stephens,
George x Green,
Solomon x Obail,
Young x Joe,

David x Isaac,
John x Bark,
John x General,
John x Cattercook,
Big x Chief,
Jiny x Cornplanter,
Thomas x Snow,
Peter x Snow,
John x Jimeson,
Old x Hemlock,
Wm. x Ruben,
Young x General,
John x Bennett,
Little x Joe,
David x Button,
John x Dick,
John x Spruce,
Joe x Logan,
Charles Kennedy,
Wm. x Logan,
John x Greenblanket,
George x Deer,
Stephen Silverheels,
John x Luke,
Capt. x Jackson,
George x Jimison,
David x Greenblanket,
Abram x Johnnyjohn,
Peter x Johnson,

John x Pierce,
 John Hudson,
 Alexander x Tallichief,
 William x Tallichief,
 David x Shango,
 Wm. x John,
 John x Cook,

George x White,
 John x Joe,
 Thomas x Halfwhite,
 Lafayette x Brooks,
 Thomas B. Graybeard,
 Joseph x Dudley,
 Lorenzo x Sundown.

I hereby certify that the above Copy has been examined and compared with the original now on file in the archives of the Seneca Nation of Indians by me, and is a correct transcript of the same and of the whole of said Declaration, Constitution and Charter.

WILLIAM JEMERSON, Clerk of the
 Seneca Nation of Indians.

Cattaraugus Reservation, Erie Co., N. Y.,
Dec. 5th, 1848.

SIR:—

You are hereby nominated, constituted, and appointed an Ambassador, Envoy Extraordinary, and Minister Plenipotentiary to the seat of Government of the United States of America, by the constitutional Convention and Government of the Seneca Nation of Indians, residing in the State of New York, to represent them in their names and behalf, with full powers and privileges of said office to take charge of the interests and affairs of your Government and Nation: and whatever you may do in our names and behalf will be binding upon us, and of the same effect as if we had been present and consenting thereto; and you are hereby authorized and empowered to proceed with the business of your nation as they shall from time to time direct, and as you may deem just and proper.

You are also hereby authorized and requested to proceed immediately to the seat of the United States Government, and present this, your credentials, to the proper authorities.

You are also informed that your official duties commences with

the date of this commission and appointment as an officer of the Seneca Nation of Indians.

By order of the Convention and Government of the Seneca Nation of Indians.

S. McLANE, *President.*

WILLIAM JEMERSON, *Clerk.*

CATTARAUGUS RESERVATION, Erie Co., N. Y., *Dec. 5th, 1848.*

To HAI-WA-NOH, (*Philip E. Thomas,*)

Embassador, &c. &c., Baltimore, Md.

An authenticated copy of these proceedings was forwarded by the officials of the Seneca Nation, to their Representative, with a request that he would lay them before the Indian Bureau at Washington, and endeavor to obtain the recognition of the Representative Republican Government, adopted by the Senecas. The Chiefs who had been removed from power by this revolutionary proceeding, also appealed to the United States Government for aid in suppressing this innovation upon their ancient usages and institutions. The commissioner of Indian affairs, being sincerely desirous to promote their best interests, without regard to party names, or party measures, promptly wrote to the sub-agent, near Cattaraugus, for such information as might qualify the department to come to a sound judgment in the case. His letter was dated 22nd December, 1848, and contained the following instructions:

WAR DEPARTMENT, OFFICE OF INDIAN AFFAIRS, }
December 22nd, 1848. }

“Enclosed is a communication from Philip E. Thomas, of Baltimore, one of the excellent benevolent Friends of the New York Indians, enclosing Documents sent to him by these Indians, purporting to embody proceedings changing their form of Government, and appointing Mr. Thomas their special Agent or Representative, to superintend and conduct their business and relations with the United States. I transmit also a copy of a letter to Mr. Thomas, of this date, from which you will perceive the present views of the Department in relation to the proceed-

ings referred to, and the reason of the transmission of the accompanying papers to you. You will please enquire into the whole subject, and report how far the sentiments and feelings of the Indians are represented by, and embodied in these proceedings—how the Convention, adopting them, was constituted—if by Delegates, how they were selected, and whether the Indians of the several Reservations were fairly represented in the Convention. You will also please to ascertain and report to what extent there is, or probably will be, opposition to the change in the form of Government—by what class or classes of the Indians it is, or will be made, and the probable reasons of such opposition, and any other facts or circumstances necessary to put the Department in possession of full information on the subject.

Respectfully, &c.,

WM. MEDILL."

R. H. SHANKLAND, *Sub-Agent,*
Ellicottsville, N. Y.

In his reply to the foregoing instructions, the Sub-Agent of the New York Indians, states:—"In pursuance of the instructions contained in your communications of the 22nd December last, I have the honor to report that I have sought information from various quarters, on the several Reservations, in relation to the subject of changing the form of Government of the Seneca Nation of Indians, which, in addition to a personal knowledge of their feelings and wishes, obtained during my official intercourse with them, enables me to state the following facts, and to arrive at the conclusion, *that a majority of the Indians residing on the Cattaraugus and Allegany Reservations, are in favor of a change in their present form of Government.*

"For two or three years or more, past, a contest has been going on between the Chiefs and Warriors on the Allegany Reservation, in relation to the rents of the saw-mills and other National property on that Reservation; the proceeds charged by the Warriors to have been wrongfully appropriated by the Chiefs.

“Some time in July or August last, a letter was written by one Benjamin Williams, a resident of the Allegany Reservation, addressed to the Warriors on the Cattaraugus Reservation, purporting to have been done at the request of a Council of the Warriors, inciting them to *action*, and referring the time of meeting and preliminaries to the Cattaraugus Warriors, and agreeing to act in accordance with their decision, and at their call.”

“This letter embraced, as I am credibly informed, many of the points of grievance set forth in the papers transmitted to the Department, through Mr. Thomas, of Maryland. This was the first formal action by the people, to effect a change in their Government. About the time of the payment of their Annuities, last fall, at Cattaraugus, which closed on the 23d of November, the Warriors on the Reservation, came to the conclusion not to delay any longer the action contemplated by that letter.”

“Timely notice was no doubt given, but whether *general*, it is difficult to determine. I am also credibly informed, that the Chiefs and those that were opposed to the new form of government, had spies in attendance at said Convention, who took no part in its deliberations. The Cattaraugus Senecas were represented *in mass*, but the real number present, I am unable to state, or whether the Allegany delegates were chosen by primary meetings of the people or not. I presume, however, that the Cattaraugus people held no primary meetings, from the fact that they met in the very way that they did. The Allegany delegates had power probably vested in them, to represent the Warriors and Chiefs, as above stated. I find it a difficult matter to ascertain this, as from their mode of procedure, they are inclined to keep their counsels to themselves, much better than white people.”

“Opposition to the new government comes mostly from the Chiefs, and their friends and retainers, and they are not entirely without influence. Many of them are men of education and talent, and are indefatigable in their exertions to sustain themselves in their places and power. *Their reasons for opposing a change in the present form of government*, OF COURSE IS NOT KNOWN—con-

jecture can only assign a motive. They are, however, decided and unyielding in their position. In adjusting their difficulties, it seemed proper and just that a majority should decide the controversy."

"In conclusion, I would remark, that some change for the better seems to be necessary for their well being and happiness, but of the nature of that change, it is not for me to express an opinion, neither do I feel competent to point out the right way. They are capable of deciding for themselves. In my official intercourse with them, I have avoided taking any part, or expressing any opinion, in regard to their political opinions. I have taken some pains to ascertain the wishes of the nation generally, and I can come to no other conclusion, *than a majority of the people desire a change, and are willing to try the experiment, of living under the constitution and laws, adopted in Convention, at Cattaraugus.*"

I am very respectfully, your obedient servant,

R. H. SHANKLAND.

HON. W. MEDILL, Com. In. Affairs,
Washington, D. C.

WAR DEPARTMENT, OFFICE OF INDIAN AFFAIRS, }
February 2d, 1849. }

Sir:—

"I enclose for your information, a copy of a letter of this date, to Sub-Agent, Shankland, from which you will perceive, that the new form of Government adopted by the New York Indians on the Cattaraugus and Allegany Reservations will be recognised by the Department, and conformed to in its transactions with them, and that you will be recognized and respected as their friend, and the representative of their wishes and interests."

Very respectfully, your obedient servant,

WM. MEDILL, *Commissioner, &c.*

PHILIP E. THOMAS, Balto. Md.

WAR DEPARTMENT, OFFICE OF INDIAN AFFAIRS, }
February 2d, 1849. }

Sir:—

“Your Report of the 24th inst. has just been received. The new form of Government of the Indians on the Cattaraugus and Allegany Reservations having been adopted by a majority, will be recognized by the Government, and so far as may be necessary, the relations of the Government with those Indians will be made to conform thereto. And as requested by them, Philip E. Thomas, of Baltimore, will be recognized as their friend, and as the representative of their wishes and interests.”

Very respectfully, your obedient servant,

WM. MEDILL.

R. H. SHANKLAND, Sub Indian Agt.

Ellicottsville, N. Y.

The remonstrance and appeal of the Chiefs against the adoption of the new Seneca Constitutional Government, and their protest against withholding the payment of the Indian Annuities *from them*, with their objections to these Annuities being paid, *per capita*, directly to the Indian families by the United States sub-agent, having been addressed to the President, were, by him referred to the Secretary of War, who, at that time, was at the head of the Indian Bureau. After full enquiry and careful consideration, the Secretary stated his conclusion on the matter to Maris B. Pierce, who had been delegated by the Chiefs to present their Memorial. The following extract from which, will show his decision:

WAR DEPARTMENT, *Feb. 14th, 1849.*

Sir:—

“The President has referred to this Department the two Memorials laid before him by you—one purporting to be from the ‘Chiefs of the Seneca Nation,’ and the other from the ‘Warriors of the Seneca Nation,’ protesting against the order requiring the Annuities due from the United States to the Seneca Indians to be paid over to the heads of families, in equal proportions, according to the number of persons in each family; desiring the abrogation of that order, and that the Annuities be paid as here-

tofore, into the hands of the Chiefs; and also alleging and protesting against interference on the part of the United States, with their form of government and the mode of administering their internal and domestic affairs. These generally expressed, are the subjects presented in the two Memorials in question; which, with the statements and arguments in support of them, have been duly considered, and I am directed by the President to give the following answer thereto:—

“It is contended that the mode of paying the Annuities required by the order above referred to, is contrary to Treaty stipulations, and in violation of agreements subsisting between the United States and the Senecas, and of an Act of Congress, passed in 1834, which is alleged, required the Annuities to be paid to the “Chiefs, or to such persons as we (they) should appoint.” As no Treaty or article of a Treaty, nor any particular agreement between the General Government and the Senecas is referred to, it is sufficient to say, that the Department is not aware of any, prescribing and defining any special and particular mode of paying the Annuities.”

“The allegations in the Memorials respecting the authorities of the United States having interfered with the form of Government and in the administration of the domestic affairs of the Senecas, are wholly erroneous. They have carefully abstained from any such interference, leaving the Senecas to settle such matters among themselves. In conducting and managing our relations with them, it is the duty of the Government to endeavor to do so in such manner as will best subserve and promote the interests and welfare of the whole, or if this be not possible, at least, of the majority; and in doing so, it is no less a duty to recognize and deal with those who fairly represent a fair majority, whether they be Chiefs or persons acting in some other proper official capacity. It was made known to the Department that a majority of the Senecas, animated by the spirit of the age, as they are well capable of being, from their great advancement in civilization, and desirous of a more popular and representative form of Government, like that enjoyed by their white brethren around them, had deliberately determined upon a change, with the view of effecting that object. A formal written Constitution

and Organic Laws, providing for a new form of Government, was accordingly sent to the Department for approval and for a recognition of the persons elected and appointed under it, as the proper representatives and authorities of the Tribes. The Department deferred any definite action upon the matter until it could ascertain, in the best manner in its power, how far the proposed change was in conformity with the views of the Senecas generally, or a fair majority of them. The papers were accordingly sent to the Sub-Agent, who must be deemed to be entirely impartial with reference to any divisions among the Senecas, with specified instructions to make careful enquiries on the above point, and to report the result. This duty he seems to have performed with a sincere desire to arrive at the truth, and from his report, and the information derived from those representing the Society of Friends, there seemed to be no doubt that there was clearly a majority in favor of the change."

"This being the case, and, as promised, a reasonable time being given for the opposing parties to be heard from, considering the importance to the peace and tranquility of the Indians, of some early definite action upon the subject, there seemed to be no reasonable or fair alternative to deciding to recognize those elected and appointed under the new form of Government as the authorized representatives and authorities, of those living on the Cattaraugus and Allegany Reservations, so far as the management of our relations with them were concerned. Further than this the Department did not go; it exercised no influence to bring about the change, and neither expressed or intimated any opinion as to its expediency or propriety,

Respectfully your obedient servant,

WM. L. MARCY."

MARIS B. PIERCE,

Of the Seneca Nation of Indians.

It might reasonably have been expected that the Ex-Chiefs, upon this deliberate and final decision by the authorities of the United States, to recognize and sustain the Constitutional Republican form of Government, adopted by a majority of the Seneca

people, after the most deliberate and legitimate proceedings, would have been acquiesced in, and that no further opposition would be made by the rejected Chiefs, but goaded by their loss of power, they determined to persevere in their endeavors to overthrow it. They sent a Deputation to Albany, in order to induce the Government of New York to refuse any connexion with the Seneca Nation, under its new aspect. After a thorough investigation of the subject by a committee of the Assembly, the following resolutions were adopted by both branches of the Legislature, to wit:

“*Resolved*, That the recognition by the Government of the United States, of the new Constitutional Government lately formed by the Indians residing on the Cattaraugus and Allegany Reservations, establishes the New Government as that which the State of New York must receive and acknowledge in its dealings with the said Indians, and that the Officers of this State ought, and are hereby instructed to respect such new Government accordingly.

Resolved, That in future the Annuity which, under the Treaty with the Senecas, is made payable to the Chiefs of that Nation, hereafter be paid by the Treasurer, or on the warrant of the Comptroller, to the order of such officer or agent, as shall, under said New Constitution be appointed to receive the same and give proper discharge therefor.”

In a communication from the President of the Seneca Nation, addressed to the Committee of the Society of Friends, who had on several occasions assisted them in their times of difficulty and trouble, after referring to the favorable change that had taken place in their condition and circumstances, he says: “Thus after careful inquiry and mature deliberation, the constituted authorities both of the Government of the United States and of the State of New York, have solemnly recognized *the Republic of the Seneca Nation*, as the true and legitimate source of power and authority for their Government. Under that Constitution we have now been enjoying all the blessings of civil and religious liberty for nearly two years. The Ex-Chiefs, who by the late Revolution, were deprived of official authority, have constantly

kept up an organized opposition to the New Government, with a view to drive back the Nation to its former inefficient and irresponsible system. They can have no honorable motive for such opposition. They enjoy the same protection, the same civil rights, the same eligibility to office, in fine all the rights and immunities of the rest of the Nation. But depraved by a long course of corruption, they cannot endure a change, (however beneficial to the commonwealth,) which deprives them of the power they so greatly abused, and therefore by every unworthy artifice, and the grossest misrepresentations, they endeavor to deceive the public as well as our own people. To this opposition we believe they are prompted by corrupt as well as ambitious motives. We know that some of them now receive Annuities as the reward of their former treachery, in the fraudulent transfer of the National Domain to the Ogden Land Company; and it is generally believed that these annual payments are made in anticipation of *future services*, as well as in payment for past treasons.

“Under the New Constitution the Seneca Nation is successfully pursuing the great objects of all good Governments. Already enjoying a full and adequate protection of person and property—with Institutions for the scientific and religious improvement of our people—with the generous patronage of the General and State Governments, we have nothing more to desire but a *fair and uninterrupted* opportunity to carry out our new system of Government, and nothing further to ask of the public authorities, but their continued protection against the arts and intrigues of those who desire our destruction.”

Signed,

ZECHARIAH L. JIMESON, *President*
of the Seneca Nation of Indians.

WM. JEMERSON, *Secretary*.

To the honor of the noble State of New York it should be recorded in *perpetuam rei memoriam*, that the Aborigines of our country, who have sought and found protection within her borders, have been treated with humanity and kindness. It is be-

lieved she is now the only State of the original thirteen that founded this republic, in which there remains a political organized body of native Indians. Even in the State of Pennsylvania, so much lauded for her magnanimity and justice to the natives, it is believed there is not one foot of land now owned or occupied by an Indian!

New York alone may proudly claim the honor of affording to several Bands of them, resting places and security; she has moreover established schools for the education of their children, and under her fostering protection, they have been instructed and led into the habits and comforts of civilized life. She has bountifully assisted in the support of the schools established by her, and has founded among them, an orphan asylum, which now shelters not less than fifty destitute children, for the support of whom she munificently contributes.—*O si sic omnia.*

Under this fostering care of the State of New York, and the friendly protection the Senecas have uniformly received from the Indian Bureau at Washington, they have, although often harassed by the intrigues of heartless Land Speculators, aided by Traitors among themselves, gone on steadily to improve in their moral, social and intellectual condition. A considerable number of them have erected, and occupy substantial dwelling houses, surrounded by commodious barns, orchards, gardens and well cultivated productive grain growing fields and meadow grounds. They have on the Cattaraugus Reservation, several respectable houses for public worship—not less than five schools, which are attended by their youth very generally, and they have an orphan asylum where their destitute children are well taken care of, and receive school education. The people in the country around them are kindly disposed towards them, but they have enemies, and among the worst of them “are the men of their own house,” aided and corrupted by extraneous influences. These enemies are implacable, and neither the reiterated defeats that have attended their attempts to destroy the Constitutional Government, nor the repeated proofs they have had, that they no longer possessed the confidence of the Nation, appears to have deterred them from a reckless determination to persevere in their endeavors to recover

their former arbitrary, irresponsible power to overrule the people, and be enabled again to enrich themselves, as they heretofore have done, without the knowledge or consent of the occupants, and to despoil them of the farms they had cleared and enclosed for the procuring of sustenance for their wives and children, and the houses they had built to shelter them, and turn them adrift to seek a habitation where best they might find one.

Accordingly when President Pierce came into office, and a change had been made in the several Executive appointments, they renewed their efforts at Washington to obtain the aid of the United States Government towards restoring themselves to power. The new Secretary of the Interior, who is at the head of the Indian Bureau, and to whom their application was referred, being desirous to obtain more knowledge than he then possessed of the circumstances of these Indians, applied to the Commissioner of Indian affairs for information, before he would act, and received from that Department the following reply, viz :

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS, *May 15th*, 1854. }

Sir :

I acknowledge the receipt by reference from you, of the Memorial of the Chiefs of the Seneca Nation of Indians to the President of the United States, respecting the form of Government established in that Nation and recognized by this Department a few years ago, with a request that a report be made thereon.

The facts of the case, so far as they appear from the Records of the office, are as follows :

In the month of December, 1848, Philip E. Thomas, of Baltimore, presented to this office the proceedings of a Convention of the Seneca Indians in New York, changing their form of Government—adopting a written Constitution or Organic Law—appointing Officers under it—and constituting Mr. Thomas their special Agent or Representative to superintend their business and relations with the United States. Simultaneously with the presentation of these Documents, the President of the United States received a communication from the Chiefs of the Seneca

Nation, remonstrating against the recognition of the new Government, and requesting a suspension of action thereupon until the whole subject should be laid before this Government.

Under these circumstances it was deemed advisable by the then Commissioner of Indian Affairs to abstain from any interference with the domestic affairs of the Senecas, either for the purpose of establishing the new Government, or of sustaining the old one; but to recognize and deal with that one which might appear to be the fairly expressed choice of a fair majority of the Nation. Notice of this determination was accordingly given to Mr. Thomas, and to the Chiefs, and the papers were sent to R. H. Shankland, Esq., who was then Sub-Agent for the New York Indians, with instructions to enquire fully into the whole subject, and make report to this office.

On the 2d of February, 1849, a long and elaborate report was received from the Sub-Agent, Shankland, in which he states that the Senecas are located upon three different Reservations, viz: the Allegany, the Cattaraugus, and the Tonawanda; (the last named Reservation claimed by the Ogden Company, which, however, has no connection with the present controversy;) that for several years preceding the organization of the new form of Government, there had been some misunderstanding, and a growing difficulty between the Seneca Chiefs and the Warriors on the Allegany Reservation, respecting the rents of the Saw Mills and other property on that Reservation; that in July or August, 1848, one Benjamin Williams, a resident on Allegany Reservation, addressed a letter, purporting to be by order of a Council of Warriors, to the Warriors on the Cattaraugus Reservation, urging them to action in the premises; that at the payment in November of the same year, the Cattaraugus Warriors resolved to take the action indicated in the beforementioned letter, and sent a messenger to the Allegany Senecas to notify them thereof, and to request their attendance at a Convention, to be held on the Cattaraugus Reservation; that this Convention was held a few days afterwards, and was attended by five Delegates on behalf of the Allegany Senecas, and by the Cattaraugus Senecas *en masse*:—Some of the Tonawanda Senecas being present,

but refused to participate in the proceedings; that the Convention adopted the Constitution before referred to, and instituted the new form of Government; that he believed a majority of the Indians on the Allegany and Cattaraugus Reservations were in favor of the new Government; that in making the payments he found that those who received their per capita shares of the money, were in favor of the new Government, and those who were opposed thereto declined to receive; that opposition to the new order of things came principally from the Chiefs and their friends and relations, who exercised considerable influence, &c. &c.

After considering this report, and examining the case, Hon. Wm. L. Marcy, Secretary of War, under the direction of the President, informed the representative of the Chiefs, on the 14th of February, 1849, that this Government had decided to recognize those elected and appointed under the new form of Government, as the authorized representatives of those (Senecas) living upon the Allegany and Cattaraugus Reservations, so far as the management of our relations with them was concerned.

On the 13th of March, 1849, the Commissioner of Indian Affairs reported to Hon. Thomas Ewing, then Secretary of the Interior, the nature of the proceedings among the Indians, and the action thereupon by this Department, and suggested the propriety of transmitting the same to the proper authorities of New York;—Resolutions relative to the matter being then under consideration in the Legislature of that State. What action, if any, was taken by the Department of the Interior in reference to the suggestion made in this report, I have not been able to ascertain; but on the 2d of May, 1850, President Taylor wrote to the Chiefs of the Seneca Nation, in response to an address presented by them, that inasmuch as the new form of Government had been recognized by the proper Department here, as well as by the State of New York, and because he was not satisfied that a return to the old Government by Chiefs would be advantageous to the Senecas, he would not interfere in the matter. And on the 16th day of December following, Mr. Secretary Stuart, in answer to a Memorial from the new Government party, presented by their Agent, Philip E. Thomas, stated, "That the Presi-

dent had no desire to intermeddle with their form of Government, so long as it meets the approbation of the Indians themselves, and protects them in the enjoyment of their rights and property ;” and after exhorting them to elect good men for their officers—to make suitable provisions for the support of the feeble and the orphan—and to distribute their Annuities with justice, he informs them that, “So long as they do this, the President directs me to say, that he shall stand by and sustain them and their Government.”

In 1852, a Memorial purporting to come from “a committee of safety” on behalf of the Seneca Nation, was presented to the President of the United States representing that S. Osborne. Esq., who was their Sub-Agent, had signified his intention of calling a Council of Senecas, for the purpose of conferring about their political differences; and protesting against the holding any such Council.

This Memorial was transmitted to Agent Osborne, for a report thereon.

On the 3d of February, 1852, Mr. Osborne reported that great dissensions and difficulties existed among the Senecas; that he had advised the calling of a council to talk over their difficulties; that a very large portion of the Indians had never submitted to the new Government; and that the Memorial in question originated with Dr. Peter Wilson, a Cayuga, who feared the proposed Council might be favorable to his removal from the office of Interpreter to the Senecas.

This office deemed it inexpedient to hold the Council contemplated by Sub-Agent Osborne, and it was not called.

In July, 1852, President Fillmore received a Memorial from the Annual Council of the Seneca Nation, setting forth at considerable length the grievances of those opposed to the new Government, representing that the change had been effected by means the most unfair and disreputable, and praying the President to prescribe some mode by which the sense of a majority of the Senecas might be taken upon the Question, whether they preferred the old Government or the new one established in 1848.

Agreeably to the prayer of the Memorial, the President directed that the Sub-Agent, Osborne, and Chester Howe, Esq. should be appointed to take the vote of the Senecas on the aforesaid question:—They were accordingly appointed, and directed to give due and timely notice to the whole Nation, of the time and place of holding the Election.

On the 13th of September, 1852, these gentlemen reported that the election had been held in accordance with their instructions; that on the Allegany Reservation, seventy Seneca Indians voted for “the old Government by Chiefs,” and no other votes were received or offered; that on the Cattaraugus Reservation one hundred and twenty-four Seneca Indians voted for “the old Government by Chiefs,” and no others were offered; that the Tonawanda Senecas refused to vote, alleging that they had no connection with the New Government, but were still governed by their Chiefs—and that those on the Allegany and Cattaraugus Reservations, who were friendly to the New Government, had consulted together and resolved not to vote or take any part in the proceeding. A communication was at the same time received from John Hudson, President of the Convention of the friends of the New Government, that their reason for refusing to attend the Election was, that there was an amendment to their Constitution providing “that their Constitution shall not be altered or amended for a term of not less than five years from and after October 2nd, 1849;” they would not recognize the right of any power to change their form of Government till the expiration of that time. This consideration, together with the fact that a majority of the Allegany and Cattaraugus voters did not participate in the aforesaid Election, forbade this office to regard the result of that Election as a fair expression of the preferences of the Seneca Nation upon the subject of their Government. By the census of 1852, the number of Indian men residing on the Allegany Reservation was 191, and upon the Cattaraugus Reservation, 311; so that exclusive of those living upon the Tonawanda, a majority did not vote.

In November, 1852, a Memorial was presented to President Fillmore by John Hudson, purporting to contain the proceedings

of a Convention of Senecas remonstrating against any change in their Representative form of Government. This Memorial was referred by the President to Sub-Agent Osborne, requesting his Report thereon, and his candid opinion respecting the condition of the Seneca Nation and their form of Government. Sub-Agent Osborne replied, that he believed that no such Convention as that mentioned in the Memorial was held; that John Hudson was not a fit representative of any civilized portion of the Senecas; that the political agitation growing out of the change of Government, had produced much evil among them; that the result of the Election held by them should not be regarded as conclusive either way; that he could not positively say which party had the actual majority, but if the idle and worthless were excluded, the majority would be in favor of the Government by Chiefs; that he had no hesitation in saying that of the two parties, the one in favor of the old Chiefs' Government is far more worthy of regard and countenance; that an unqualified return to the old Government would likely continue the agitation, but would be better than the present state of things, and that he would advise a *substantial* return of the old Government, brought about under the semblance of *compromise* between the parties.

President Fillmore did not take any further action in the premises, but directed the papers to be filed in this office. This course was pursued in order to give the new Government an opportunity of being tested; and because it had been authoritatively represented to the Department and was well understood, that an amendment to their Constitution provided that no alteration should be made therein for the term of five years, and it was hoped that in the meantime the differences between the two parties might be reconciled, and the differences healed.

On the 31st of January, 1853, Hon. S. G. Haven transmitted to this office, a communication from the Chiefs of the Seneca Nation, expressing their anxiety to have the President decide definitively upon the subject of their Government. This communication was answered by my immediate predecessor in office, informing Mr. Haven, "that the President was indisposed to en-

courage revolutionary movements among the Indians at any time, and considered that all efforts of that character previous to the expiration of the five years would be improper and premature!"

Matters remained in this condition, nothing further being done by the Department, or called for by the Indians. In the annual report of Marcus H. Johnson, Esq., the present Sub-Agent for the New York Indians, dated September 30th, 1853, the condition and political affairs of these Indians are spoken of in the following terms, viz:—"The Senecas at Cattaraugus and Allegany have made great improvement in their social and political condition, and have made a rapid advancement in agricultural pursuits. They have established a Republican form of Government, and their officers are elected annually by the people, and are held strictly responsible for their official acts. This fact incites those who hold stations of honor and trust to exert their best energies to promote the interests of their Nation. The first time I visited the Senecas they were in Council, and the strictest order and parliamentary rules which were enforced and adhered to, would be creditable in any Legislative Body. And since this change in the form of Government the masses appear to take more interest in their affairs, and understand more fully the condition of their National matters."

This representation, made in the official report of the United States Agent, induced me to believe that the unfortunate and distracting controversy between these Indians had terminated, and that the Republican form of Government had been acquiesced in, and I so stated in my annual report. But on the 15th of December last, I received a communication from several persons, representing themselves as Seneca Chiefs, complaining of the statement in my annual report and informing me that as the five years alluded to by President Fillmore had expired, they intended to lay their grievances before President Pierce, and ask him to do them justice.

I have thus given, so far as I have been enabled to do by an examination of the Records of this office, a succinct history of this difficulty—of the facts attending the change of Govern-

ment—of the agitation and dissensions which ensued—of the subsequent proceedings of each party—and of the action of our Government respecting the matters in controversy.

Although no integral part of the history of the case, it may be proper to mention, as incidental thereto, that the Society of Friends, who have for a long time been laboring among these Indians and endeavoring to improve their condition, have, during the entire course of the controversy, been steadfast friends of the new Republican form of Government, and have addressed to this office various Memorials and remonstrances against the return to the old Government by Chiefs.

I deem it proper also to state in this connection, that I have informed Hon. G. W. Clinton that I intend to visit the New York Indians during the present summer, unless prevented by the business of this office, for the purpose of gaining more intimate acquaintance with their condition, and of conferring with them upon their domestic affairs.

Very respectfully, your obedient servant,

G. W. MANYPENNY, *Commissioner, &c.*

HON. R. McCLELLAND, *Sec. Interior.*

It is evident that the Indians of our country are not able to sustain themselves, against the more mature intellect and consummate artifice of the Anglo-Saxon race. They have needed, and they yet need, faithful and able counsellors to stand by them in the difficulties and dangers that surround them. Of this we have a chain of evidence extending from remote periods to the present time; and without protection, there is strong reason to believe the race will be exterminated. Yet it is most conclusively shown, in the present condition to which the Senecas have been led, by the fostering care and protection of the State of New York, aided by the Indian Bureau at Washington, and the exertions of their friends, that they may not only be saved from extinction, but may become good agriculturists and useful citizens.

In a visit lately made to them by the benevolent and truly estimable Commissioner of Indian affairs, at Washington, for the laudable purpose of ascertaining their real condition, in order that he might judge whether the aid they asked could be beneficially given, after he had visited a number of them in their houses—seen the domestic comforts of their families, and their generally greatly improved condition, a considerable number of them, before he left the Reservation, were convened, when he delivered to them an appropriate address which had a most happy effect towards producing more harmony and mutual confidence among them, than had for some time before existed.

He told them the land they now occupy, was the last resting place for them and their children—that they must remain where they now are, and be civilized, or be crushed and destroyed—he impressively advised them not to become unsettled, and to live in peace and harmony among themselves—to cultivate their lands—be industrious and frugal, and avoid intemperance. He also urged them to educate their children, assuring them that neither as regards their intellectual endowments or physical powers were they inferior to any other people on earth—told them he thought they were in a fair way to solve the problem, whether the Indians can be civilized in their communities, and if they persevered in their efforts, and succeeded, they would be the means of saving thousands of their race in the west, now degraded in ignorance. Philanthropists, he said, seeing their success, would be encouraged to exert stronger efforts to rescue the race from destruction.

They were deeply impressed with a solemn conviction of the importance of the advice they received, and it is hoped it will be remembered, and be a lasting benefit to them.

There is no race nor nation of people, upon whom Providence has conferred a quicker or clearer perception, or more retentive memories, consequently there are none who acquire information with more facility, or remember more tenaciously what they may have learned. And there is not a nation, nor ever has there been one, of whom we know anything, more eminently gifted with the powers of a thrilling extempore eloquence. Neither

Greece, nor Rome, nor modern Europe have produced greater orators than the uneducated aborigines of North America. And yet the policy that has been adopted towards these people, certainly tends to their rapid extinction, and unless some change is made in that policy, in a little time no vestige will remain of the millions of Red men who peopled this great country when our ancestors first arrived among them "except the beautiful names they have conferred upon our noblest rivers and loftiest mountains. These may for ages remain; to attest the beauty of their language," but should their destruction unhappily be realised, we may, in the pathetic language of one of our most gifted countrymen, when referring to the extermination of the aborigines, say: "Posterity will either turn with horror and incredulity from the tale, or blush with indignation, at the inhumanity of their forefathers."

"We are driven back," said an old warrior, "until we can retreat no further;—our hatchets are broken—our bows are snapped—our fires are nearly extinguished; a little longer, and the white man will cease to persecute us, for we shall cease to exist."

G E M S

OF

INDIAN ELOQUENCE.

Of the brilliant galaxy of illustrious statesmen and orators, which the State of Virginia has produced, some of the most eminent were descended from an Indian woman, and as further evidence of their naturally gifted eloquence, the following extracts from the extempore speeches of some of these untutored orators, are here subjoined.

The speech of Logan, a Mingo Chief, whose mother was a Seneca, is familiar to every one. It will be recollected that Logan refused to attend the council held between Governor Dunmore and the Indians, after the decisive battle between the Virginians and the Western Indians, near Point Pleasant, on the Great Kenhawa. After the terms of the Treaty had been adjusted it was deemed requisite, before it could be formally signed, to despatch a Messenger to Logan, and inform him of the conditions that had been agreed upon, and enquire if he would accede to them. On which occasion, after shedding many tears for the loss of his friends and relations, he returned the following answer:

“I appeal to any White man to say, if he ever entered Logan’s cabin and he gave him not meat—if he ever came cold and naked, and he clothed him not.

“During the course of the last long bloody war, Logan remained idle in his cabin, an advocate for peace. Such was his love for the whites, that his countrymen pointed as they passed, and said: Logan is a friend of the White man. I had even thought to have lived with you, but for the injuries of one man, Colonel Cresap, the last Spring, in cold blood, and unprovoked, he murdered all the relations of Logan, not even sparing my women and children. There runs not one drop of my blood in the veins of any living creature. This called on me for revenge. I have sought it. I have killed many. I have fully glutted my vengeance. For my country I rejoice at the beams of peace. But do not harbor a thought that mine is the joy of fear! Logan never felt fear! He will not turn on his heel to save his life. Who is there to mourn for Logan? not one!”



Ho-na-ye-was, an Onondaga Chief, in an address to the Legislature of New York, in which he referred to the numerous evils and sufferings that had been inflicted upon his people, by the wars they had been brought into, and explaining the object of his present visit, proceeded thus:

“Brothers! you will recollect the late war [Revolutionary] between you and your Father the King of England. That contest threw the inhabitants of this whole Island into great tumult and commotion, like a raging whirlwind which tears up trees, and tosses to and fro the leaves, so that no one knows from whence they come or where they will fall. This whirlwind was so directed by the Great Spirit above, as to throw into our arms two of your infant children. We adopted them into our families and made them our children.” Then stating the favor he wished to obtain for them, and referring to the devastations and miseries *that* war had inflicted upon his people he continued:—
 “At length the Great Spirit spoke to the whirlwind, and it was still! a clear and bright sky appeared—the path of peace was opened, and the chain of friendship was once more made bright between us.”

If there has been anything written or spoken, which surpasses in sublimity and grandeur, this representation of the Divine energy and power: “the Great Spirit spoke and the whirlwind was still!” it is the expressions in the Book of Genesis: “and God said, let there be light, and there was light.”

Extract from a speech addressed by Gayashuta, an aged Seneca Chief, to a friend in Philadelphia.

“Brother! your Fathers saw Gayashuta when he was young; when he had not even thought of old age, or weakness, but you are too far off to see him now. He is grown old. He is very old and feeble, and he wonders at his shadow—it has become so small. He has no children to take care of him, and the game is driven away by the white people, so that the young men must hunt all day long to find game for themselves to eat—they have nothing left for Gayashuta. And it is not Gayashuta only, who has become old and feeble—there yet remains about thirty of your old friends, who, unable to provide for themselves, or to help one another, are become poor and hungry and naked.

“Brother! Gayashuta sends you a belt, *which he received long*

ago from your Fathers, and a hand writing, which he received as yesterday, from one of you. By these you will remember him, and the old friends of your fathers in this Nation. Look on this belt and writing; and if you *remember the old friends of your Fathers*, consider their former friendship, and their present distress; and if the Good Spirit shall put it into your hearts to comfort them in their old age, do not disregard his counsel. We are men, and therefore need only tell you that we are old and feeble, and hungry, and naked, and that we have no friends but you—the children of our beloved brother Onas.” [William Penn.]

In the year 1791, Cornplant and several other Seneca Chiefs visited Philadelphia, for the purpose of endeavoring to prevail on General Washington, then President of the United States, to restore back to their Nation a part of their land that a few years before had been forced from them at the Treaty of Fort Stanwix. On that occasion this Chief addressed the President as follows:

Father! the voice of the Seneca Nation speaks to you, the Great Counsellor, in whose heart the wise men of all the thirteen fires, have placed their wisdom. What we may have to say may appear small in your ears and we therefore entreat you to hearken with attention, for we are about to speak of things of very great importance.

“When your army entered the country of the Six Nations we called you the TOWN DESTROYER, and to this day, when that terrible name is heard, our women look behind and turn pale, and our children cling to the breasts of their mothers. Our Counsellors and Warriors are men, and cannot be affraid, but their hearts are grieved on account of the distress of our women and children.”

The orator then proceeded to set forth in detail, the stratagems and other iniquitous means that had been resorted to, for the purpose of deceiving the Indians, and compelling them to sur-

render the great country lately given up. He referred to the part he had himself been led to take, in making the Treaty—described the effect produced on the minds of his people towards him and proceeded to say:

“Father! when that great country was surrendered, there were but few Chiefs present, and they were compelled to give it up, and it is not the Six Nations only that reproach these Chiefs with having given up that country; the Chippewas, and all the Nations who lived on those Lands, westward, call to us and ask us, “brothers of our fathers, where is the place you have reserved for us to lie down upon?”

“Father! you have compelled us to do that which has made us ashamed. We have nothing to answer to the children of the brothers of our fathers. When, last Spring, they called upon us to go to war, to secure a bed to lie upon, the Senecas entreated them to be quiet, until we had spoken to you. But on our way down we heard that your army had gone towards the country which these Nations inhabit, and if they meet, the best blood on both sides will stain the ground.”

“Father! we will not conceal from you, that the Great God, and not man, has preserved Cornplant from the hands of his own Nation; for they ask continually: “where is the Land which our children, and their children after them are to lie upon?” You told us, they say, “that the line drawn from Pennsylvania to Lake Ontario, would mark it forever on the East; and the line running from Beaver Creek to Pennsylvania, would mark it on the West, and we see that it is not so. For first one, and then another, comes and takes it away, by order of that people which *you* tell us promised to secure it to us.” He is silent, for he has nothing to answer. When the Sun goes down, he opens his heart before his God, and earlier than the Sun appears upon the hills, he gives thanks for his protection during the night; for he feels that among men, made desperate by their wrongs, it is God alone that can preserve him. He loves peace, and all that he had in store he has given to those who have been robbed by your people, lest they should plunder the innocent to repay themselves. The whole season, while others have been employed

in providing for their families, he has spent in his endeavors to preserve peace, and at this moment his wife and children are lying on the ground, and in want of food; his heart is pained for them, but he perceives that the Great God will try his firmness in doing what is right."

"Father! you have said we are in your hand, and that by shutting it you could crush us to nothing. Are you determined to crush us? If you are, tell us so that those of our Nation who have become your children, and have determined, so to die, may know what to do. In this case, one Chief has said he would entreat you to put him out of pain; another, who will not think of dying by the hand of his father, or of his brother, has said, he will retire to the chataugay, eat of the fatal root, and sleep with his fathers in peace."

"Before you determine on a measure so unjust, look up to God who made *us* as well as *you*. We hope he will not permit you to destroy the whole of our Nation."

"Father! innocent men of our Nation are killed, one after another, and of our best families, but none of your people who have committed these murders have been punished. We now ask you, was it intended that your people should kill the Senecas, and not only remain unpunished by you, but be protected by you against the revenge of the next of kin?"

"Father! these are to us very great things. We know that you are very strong—we have heard you are wise—and we now wait to receive your answer to what we have said, that we may know if you are just."

It is known that the celebrated Seneca Chief Sa-go-ye-wat-ha, [Red Jacket] was opposed to the introduction of civilization among the Indians, and that especially he was hostile to their adopting the Christian Religion. Among the speeches addressed by him in reply to Missionaries who came among his people, the following fragments are selected, illustrative of his views on these subjects, and of his manner of expressing them:

“Brother! this Council fire was kindled by you. It was at your request we came together at this time. We have listened with attention to what you have said. You requested us to speak our minds freely: this gives us pleasure; for we may now consider that we stand before you upright, and can say what we think. We have all heard your voice, and we all speak to you now as one man—our minds are agreed.”

“Brother! listen to what we say:—there was a time when our forefathers owned all this Great Island—their seats extended from the rising to the setting sun—the Great Spirit had made it for the use of the Indians. He had created the buffalo, the deer, and other animals for food—he had made the bear and the beaver, their skins served us for clothing—he had scattered them over the country and taught us how to take them. He had caused the earth to produce corn for bread. All this he had done for his Red children because he loved them. If we had some disputes about our hunting grounds they were generally settled without the loss of much blood. But an evil day came upon us. Your forefathers crossed the Great water and landed on this Island. Their number was small—they found friends and not enemies. They told us they had fled from their own country for fear of wicked men, and had come here to enjoy their religion. They asked us for a small seat: we pitied them and granted their request and they set down among us. We gave them corn and meat—in return they gave us poison, [rum.] It was strong and powerful, and has slain thousands. You have become a great people, and we are reduced to a handful, and have scarcely a place left to spread our blankets. You have got our country but are not satisfied—you want to force our religion from us. We understand your religion is written in a Great Book. If it was intended for us, as well as for you, why did not the Great Spirit give it to us, and not only to us, but why did he not give it to our forefathers. You say there is but one way to worship the Great Spirit. If there is but one religion, why do you white people dispute so much about it? Why are you not all agreed? You all can read the Book. We have also a religion which was given to our forefathers, and has been handed

down to us their children. We worship in that way. It teaches us to be thankful for all the favors we receive—to love each other, and to be united. We never quarrel about religion.

“Brother! we have been told you have been preaching near to this place. These people are our neighbors. *We know them!* and will wait a little while, and see what effect your preaching will have upon them; if we find it does them good—makes them more honest, and less disposed to cheat Indians, we will then consider what you have said to us.”

On another occasion, in reply to a missionary, after referring to the demoralising effects that had followed the intercourse of the Indians with the white people, and denying that they had ever, in any way, been improved in their moral condition by the attempts that had been made to change their religion, the orator proceeded to say: “Thus you see, Brother, that in our attempts to pattern after your example, the Great Spirit is angry—he does not crown your exertions. But, Brother, on the other hand we know the Great Spirit is pleased that we follow the customs and Traditions of our forefathers, for in doing so we receive his blessings. He gives us strength and vigor for the chase. He provides for us abundance. When we are hungry, we find the forest filled with game. When thirsty, we drink from the pure streams and springs that he spreads around us. When weary, the leaves of the trees are our beds. We retire with contentment to rest, and we rise with gratitude to the Great Giver. With renovated strength in our limbs, and bounding with joy in our hearts, we feel that we are blessed and happy. No luxuries, no vices, no disputed titles, no avaricious desires, shake the foundations of our society, or disturb our peace. We know that the Great Spirit is better pleased with his Red children than with the white, when he thus bestows upon us a hundred fold more blessings than upon them.”

In the year 1821, a woman at Buffalo, was tried, convicted, and executed for witchcraft. The circumstances coming to the knowledge of the authorities of New York, the man who had put her to death, was arrested and lodged in jail. When the trial came on, Red Jacket appeared in Court, to defend him,

with witnesses to prove the fact of the woman's guilt, and that she had been legally punished according to the known laws of his nation. Being asked by one of the counsel, what rank he held in the nation, he answered with a contemptuous sneer:—"Look at the public treaties which your Government has made with our nation, they will inform you who I am."

The testimony of Red Jacket went clearly to prove that the woman was undoubtedly a witch, and that she had, after a fair and legal trial, according to the Laws of the Nation, been justly executed. In the course of the proceedings, perceiving that their superstition on the subject of witchcraft, was a theme of ridicule among the Legal Profession engaged in the trial, as well as with the by-standers, Red Jacket found an opportunity to give vent to his feelings, which he did in the following words:—"What," said he, "do you denounce us as fools and bigots, because we still continue to believe that which you yourselves sedulously inculcated less than two centuries ago! Your black-coats have thundered this doctrine from the pulpits—your Judges have pronounced it from the bench—your Courts have sanctioned it with the formalities of the Law, and you would now punish an unfortunate brother, for adhering to the opinion of his forefathers! Go to Salem! look at the records of your Government, and you will find hundreds executed there for the very crime which called forth the sentence of condemnation upon this woman, and drawn down the arm of vengeance upon her. What have we done more than the Rulers of your people have done? and what crime has this man committed by having executed in a summary way, the Laws of his Country, and the injunctions of his God?"

This sudden burst of indignation and eloquence, produced, as might be expected a sort of galvanic shock upon the audience, and no doubt had its full effect upon the result of the trial. The man, after some delay, was discharged.

Some months previous to the death of Sa-go-ye-wat-ha Time had made such fearful ravages upon his constitution, as to render him fully sensible of his approaching dissolution. To that event he often adverted, but always with philosophic calmness.

Perceiving that his life was drawing to a close, he convened a

General Council of the Nation, embracing the several Parties into which it had become divided, for the express purpose of endeavoring to effect, if possible, a reconciliation among them, when he earnestly recommended that they should endeavor to live in peace and more harmony together, and so great was his influence, that by his exertions mutual good feelings were for a time restored.

A short time before his death, after recapitulating to his people who were gathered around him, their history, from the most remote period to which his knowledge extended, he adverted to the many wrongs and sufferings inflicted on them by the whites; referring to his arduous and unremitted exertions to ward off these evils, he said: "I am about to leave you, and my warning voice will no longer be heard or regarded; *the craft of the white man will prevail*. Many winters have I breasted the storm, but I am an aged Tree and can stand no longer. My leaves are fallen and my branches are withered, and I am shaken by every breeze. Soon my aged trunk will be prostrate, and the foot of the exulting foe of the Indians, may then be placed upon it with safety; for there is none who will be able to avenge such an insult.

"Think not that I mourn for myself. I go to join the spirits of my fathers, where age and suffering cannot come, but my heart fails when I think of my people, who are so soon to be scattered—destroyed and forgotten.

"When I am buried let me be dressed and equipped as my fathers were, that their spirits may rejoice at my coming."

He died in 1830; aged 78 years.

In a speech of Tarhie, head Chief of the Wyandots, addressed to Friends, in the year 1798, after describing the terrible effects that war had produced upon his race, since the settlement of the white people in this country, he concluded his address with the following beautiful peroration:

"Brothers! may the Great Spirit, the Master of light and

life, so dispose the hearts and minds of all our nations and people, that the calamities of war may never more be known or felt by them. That our roads and paths may never again be stained with the blood of our young warriors, and that our women and children may walk in peace and safety."

In the year 1802. a Deputation of Indians from the Miami and other nations inhabiting the country bordering on and laying west of the Michigan lake, being on their way to the city of Washington, had a conference with some members of the Society of Friends in Baltimore, to whom they wished to make known certain grievances which at that time pressed heavily upon them. The Little Turtle, then the head war chief of this confederacy, made an impressive appeal to the sympathy of those Friends, on the occasion, and earnestly invoked their assistance in obtaining the relief they were about to ask from the Government of the United States. After some very appropriate and impressive remarks in which he stated the reasons why he had desired this interview with the descendants of their revered brother Onas,* he proceeded to state the wrongs and sufferings to which they were subjected under the present system and policy of the General Government, towards them, since the Treaty of Grenville; referred to the kind assistance they had received from Friends in Philadelphia, who had never asked any land or pay from them, and the joy he felt at finding the Quakers in Baltimore, had manifested the same friendly feeling towards them; he proceeded to say:

"Brothers! when our fathers first met on this Island, your Red brethren were numerous, but since the introduction among us of what you call spirituous liquors, and what we think may justly be called poison, our numbers are greatly diminished. It has destroyed many thousands of your Red brethren. It is not an evil of our own making—we have not placed it among ourselves. It is an evil placed among us by the white people, and we have a right to look to them to remove it from our coun-

* Wm. Penn.

try, and if they have the friendship for us, which they tell us they have, they certainly will not let it continue among us any longer. Our earnest entreaties to those who bring this evil amongst us, are disregarded. We tell them, fetch us useful things—bring us goods that will clothe us our women and children and not this evil liquor, which destroys our reason—impairs our health, and kills our people. But all we can say is of no service—it affords no relief to your Red Brethren.

“Brothers! it has destroyed so many of our lives, that it causes our young men to say, “we had better be at war with the white people—this liquor that they introduce into our country is more to be feared than the gun and the tomahawk—there are more of us dead since the treaty of Grenville, than we lost by the six years war before, and all this is owing to the introduction of this liquor amongst us.

“Brothers and Friends! in addition to this, I will further say, it has made us poor. It is this liquor that has caused our men to go without clothes, and our women and children without any thing to eat.

“Brothers! when our young men have been out hunting, and are returning home loaded with skins and furs, if they come where some of this whiskey is deposited, the white man who sells it, asks them to take a little drink—some of them will say, “no, I don’t want it.” They go on until they come to another house where they find more of this kind of drink. It is offered there again—they refuse—and again, the third time, but finally one accepts it, and takes a drink, and getting one, he wants another, and then a third and a fourth, till his senses have left him. After this, reason comes back to him again, and he gets up and finds where he is. He asks for his peltry. They tell him he has drank them. Where is my gun?—it is gone. Where is my blanket?—it is gone. Where is my shirt?—you have sold it for whiskey. Now Brothers, figure to yourselves what a condition this man must be in! He has a family at home—a wife and children that stand in need of the profits of his hunting! What must be their wants, when he himself is without a shirt?

During the Revolutionary war, Captain Pipe, a Miami Chief, who had been employed by the British Officer, in command, at Detroit, to slaughter the frontier inhabitants on the north-western frontiers of Pennsylvania and New York, on the return from his murderous expedition, at the council house, he was seated in front of the chief officer; after a short pause, he arose and addressed the British officer as follows, keeping his eyes keenly fixed upon him:

“Father, some time ago you put a war-hatchet into my hands, saying: “Take this weapon and try it on the heads of my enemies, the Long Knives, and let me know afterwards if it is sharp and good.”

“Father! at the time you gave me this weapon I had neither cause nor inclination to go to war against a people who had done me no injury; yet in obedience to you, who say you are my father, and call me your child, I received the hatchet; well knowing if I did not obey, you would withhold from me the necessities of life, which are not always to be procured, but at the house of my father.

“Father! you have raised a quarrel among yourselves, and you ought yourselves to fight it out. You should not send your children, the Indians, to spill their blood for your sake. Already many lives have been lost on your account! Our Nations have suffered deeply and been weakened! children have lost parents, brothers and relations. Wives lost their husbands! and it is not known how many more may perish before *your* war will be at an end.

“Father! keep what I have said in remembrance. I have done with the Hatchet what you ordered me to do! (here he delivered to the British officer the stick he held in his hand, with the scalp on it, and continued) yes, I have done with the hatchet what you ordered me, and found it sharp; nevertheless I did not do all that I might have done. No! I did not. My heart failed within me. I felt compassion for your enemy. I spared innocent, helpless women and children. They had no part in your quarrels, therefore I spared them.”

Speech of Colonel Cobb, a principal Chief of the Choctaw Tribe, East of the Mississippi River, addressed to the agent of the United States, who had been directed to remove the remnant of that Tribe, that were opposed to emigration, and had hoped they would be permitted to linger at their homes, near the graves of their fathers :

“Brother! we have listened to your talk, coming from our Father, the Great White Chief, at Washington, and my people have called upon me to reply to you. The Red man has no books, and when he desires to make known his wishes, like his fathers before him, he speaks from his mouth. He is afraid of writing. When he speaks he knows what he says, and as the Great Spirit hears him, he must speak the truth. Writing is the invention of the pale-faces, it gives birth to frauds. The Great Spirit talks. We hear his voice in the thunder—in the rushing winds—and in the mighty waters, but he never writes.

“Brother! we have, as your friends, fought by your side, and have poured out our blood in your defense, but our arms are now broken. You have grown large. My people have become small, and there are none who take pity on them.

“Brother! my voice is become weak—you can scarcely hear me. It is not the shout of a warrior, but the wail of an infant. I have lost it in mourning over the desolation and injuries of my people. These are their graves which you see scattered around us, and in the winds which pass through these aged pines we hear the moanings of their departed Ghosts. Their ashes lie here, and we have been left to protect them. Our warriors are nearly all gone to the West, but here are our dead. Will you compel us to go too, and give their bones to the wolves?

“Brother! our heart is full. Twelve winters ago we were told our Chiefs had sold our country. Every warrior that you now see around us was opposed to the Treaty; and if the voice of our people could have been heard, that act would never have been done; but alas! though they stood around they could neither be seen nor heard. Their tears fell like drops of rain—their lamentations were borne away by the passing winds—the pale-faces heeded them not and our land was taken from us!

“Brother! we know your arm is strong and we cannot resist it, but the pale-face says he worships the Great Spirit—so does the Red man. The Great Spirit loves justice and truth. When you took our country you promised to provide homes for us: this promise is recorded in your own book. Twelve summers have drooped their leaves, and yet we have received no land. We have been turned out of our houses; we have seen the plough of the white man turn up the bones of our Fathers. We dare not kindle our fires, and yet you said you would give us land, and that we might remain here. Father is this truth? We are mourning orphans in our country. Let our Father take us by the hand and fulfill his promise—then we will give our answer. We cannot think now; grief has made us children. When our business is settled, we shall again be men, and be able to talk to our Father about the business he has proposed to us.

“Brother! you stand in the moccasins of the Great Chief—you speak the words of a mighty nation. I am a shadow, and scarcely reach to your knee. My people are scattered and gone; when I shout, I hear my voice in the depths of the forest, but no answering voice comes back to me—all is silent around me! My words therefore to you must be few. I can now say no more.”



Kah-ge-ga-cah-bowh, an Objebwa Indian, referring to his birth, says:—“I was born in nature’s wide domain, the trees were all that sheltered my infant limbs, the blue heavens all that covered me. I am therefore one of nature’s children. I have always admired her—her features—her robes—her varying seasons—her stately oaks and evergreens! These all contribute to increase my enduring love of her, and whenever emotions of delight roll in my breast, and swell and burst there like waves on the shores of the ocean, my heart rises in prayer and praise to him who has placed me in her hand. It is thought great to be born in palaces, surrounded by wealth, but to be born in nature’s wide domain is greater still. My recollections often

carry me back to the tall trees, the dark woods, the deep solitude, where the little wrens sung so melodiously; where the current of the broad river, flowing near our Wigwam, passed silently on; where the skipping of the fishes amused me; and the noise of the cataract, a little above, often solemnly impressed me. It was here I first saw the light. When I last visited it, no trace remained of our frail Wigwam—but the grass was green there. I would much more glory in this birth place, with the boundless canopy of heaven over me, and the giant arms of the forest trees for my shelter, than to be born in a palace of marble, studded with pillars of gold. Nature will be nature still, while palaces shall decay and fall into ruins. Yes, Niagara will be Niagara a thousand years hence. The rainbow, a wreath over her brow, shall continue as long as the sun, and the flowing of the river, while the works of art, however impregnable, shall perish and crumble into atoms.”

Referring to the death of his mother, he says:—“The last word she feebly uttered was *Jesus*. Her spirit then fled, and those hands that had often administered comfort and relief, were now cold in death. It was then I began to feel and appreciate the depth of our loss; the remembrance of her kindness and love overwhelmed me, and it seemed my heart would burst. The thought rushed upon my mind, who can take the place of my mother! Her body was consigned to the grave without parade. No church bells were tolled, but the wind mournfully sounded through the trees. I have often visited the place, and kneeling at the head of her grave, have desired that the time would soon arrive when it might please God to relieve me from my troubles and cares, and conduct me to the abodes of my beloved parent. My sister has since died, and is doubtless with my mother. How glorious the thought, they are both now in Heaven! There none will sigh for home. The flowers that bloom there will never fade. The crystal waters that wind along the verdant vales will never cease to send up their heavenly music—the clusters that hang from the trees, overshadowing their banks, will be immortal clusters; and the friends that meet there, will never again know a separation.”

The Joint Committee of the four Yearly Meetings of Friends, who had extended assistance to the Seneca Indians, at Cattaraugus, believing that in their improved condition, the Agent who had been employed by the Committee to instruct them in their agricultural concerns, might be withdrawn, and that they might now be left to walk alone. Upon communicating this information to them, they were informed, that should circumstances hereafter render it necessary, and they should desire further assistance or advice, the Committee would at all times be ready, as far as in their power, to render it.

On receiving this information an address was forwarded to the Committee, from these Indians, from which the following is extracted :

To the Committee of the four Yearly Meetings of Friends, of New York, Philadelphia, Baltimore and Genessee, on Indian concerns.

“Your communications of the 7th day of September, instant, made to the Council of our Nation, has informed us of the fact, that the period of the termination of your joint labors had now arrived. We were also informed, that the premises occupied by you, would be surrendered to the Existing Government of the Seneca Nation of Indians, at a proper time.

“Brothers ! it is with much pain and sorrow we learn that you are to close your labors among us. When we turn our faces backward, and look over the histories of the past, we find that more than fifty Winters have gone by, since the Iroquois, or “the Six Nations of Indians” first selected the Ho-di-wi-yus-doh (the Society of Friends) as *their friends*, upon whom they could repose confidence, without fear of being betrayed. The selection was made from the sects and denominations of those who styled themselves Christians, at the time when war had diminished the numbers of the Iroquois Braves—when the Iroquois Bow-string had broken—when his Council-fires were nearly put out, by the blood of his people, and the loud thundering voices of the big iron guns of the pale-faces, caused the ground to tremble beneath his feet, and his Council-House to shake to its very foundation—

when oppression crushed the Iroquois, and cruelty made his heart bleed—when murder and robbery, committed upon the Red man, brought bounty to the spoiler committing the foul deed—when the pale-faces, like hungry hounds, chased the Red man from his hunting grounds.

It was then that the Red man's sun was darkened, and the Great Spirit had drawn his sable garment before its shining face, and left his Red children to roam in gloom and uncertainty. In looking around, the Iroquois saw none to assist him in his struggles for his liberty, his country and his firesides—he found no sympathy from the pale-faced Christian, save from the Society of Friends, who, with the true principle of the spirit of Christianity implanted in their breasts, guided by the dictation of the good spirit, and following the counsel and mandates of *Him who never errs*, came to our relief: not with powder, bullets or arms, but with sympathy in their bosoms, pity in their hearts, and friendship in their hands.

The Society of Friends were early impressed with the conviction, that in order to prepare our people to resist the assaults of our civilized white neighbors, they must be taught and made to understand the habits of civilized life. These Friends, therefore, at an early day, introduced agriculture and the arts and sciences among us, and provided competent persons to instruct us in them, while by their counsel, advice and example, they enlightened, encouraged and assisted us in our progress towards civilization.

As the great improvements made by our people went forward, the war-hatchet was buried, the Tree of peace was planted—the silver chain of Friendship that bound our people with the children of the immortal Washington, continued untarnished, and the guarantee of the United States Government for a peaceful and quiet possession of our Lands by Treaties was given, yet the desire of the pale-faces to get from us our lands, continued until the winter of 1837 or 1838, when it prevailed. Thus the prediction of a dying Chief, (Red Jacket) many winters before, was literally fulfilled; our Lands *were taken from us* by the arts and schemes of rapacious white men, assisted by a few wicked

Chiefs of our own Nation, whom they had corrupted and seduced to betray their people and sell the Inheritance of their Nation.

“Brothers! it was when our Nation was friendless and in distress, and seemed doomed to destruction, that an appeal was made to you for aid. You immediately informed yourselves of our condition, and interested yourselves with the authorities at the city of Washington, on our behalf. Months and years passed without success; still you remained our firm and unwavering friends. In the year 1842, you at length succeeded in procuring the return of two of our Reservations, containing more than fifty-three thousand acres of land, by which our people were saved from the horrors and destruction that would have followed their compulsory removal, and when we contemplate the bitter experience of the Emigrants that were decoyed away in 1846, and reflect on the inevitable and certain destruction that awaited us, had our projected removal been effected, we tremble, and offer our gratitude to the Great Spirit, for providing us, in you, faithful Friends, and for his goodness in opening a way by which you were enabled to rescue us.

You have stood by us on all occasions of danger and trouble, and by bringing our wrongs to public notice by publications, you awakened the popular sympathies in our favor, and rolled back the tide of prejudice and oppression which threatened the extermination of our Race. By these measures the people of the State of New York have been awakened to a sense of justice towards us, and have opened their coffers and furnished the means for the erection of school houses, and the support of competent school teachers among us; and they have likewise passed Legislative enactments in order more effectually to protect our rights and preserve our race.

“Brothers! your labors among us are now about to be discontinued, but you have assured us that you are still our Friends and willing to assist us whenever it shall become necessary—that you will continue to feel an ardent desire for our future welfare, and extend your fostering care over our people—finally, that you have not abandoned us to become a prey to our heartless enemies, the Land Speculators.

“Brothers! we hope you will teach your children to love and pity the Red man, so that when the Master of Life and Light shall call you hence, your Red brothers may still have friends, like you, and the good understanding now existing between us, be forever perpetual and cherished between your posterity and ours.

“Brothers! for the services you have rendered us, accept the gratitude of an injured and oppressed Race. We earnestly invoke the blessings of the Great Spirit upon you, and ask him to extend his protecting care over your Friends who are now here with us, and that whenever they shall depart from among us, he will conduct them safely home to join you once more. Brothers—farewell.”

Signed on behalf of the Committee of the Council of the Seneca Nation of Indians:

PETER WILSON,
JOHN LUKE,
JOHN SNYDER,
LITTLE JOE.

[Attested.]

WM. JEMERSON, *Clerk*
of the Seneca Nation of Indians.

The Committee of Friends on Indian Concerns having, in the year 1855, received an invitation from the General Council of the Seneca Nation, to make them a visit in order to consult upon some matters on which they desired advice, it was, after consultation, concluded to comply with their request, and a Delegation from the Joint Committee was appointed to the service. They arrived at Cattaraugus on the 22d of the 9th month, 1855, and were received by the Indians with kindness. The proposed Council was opened on the 25th, and was attended by more than two hundred, including several from Allegany and Tonawanda. A full opportunity was afforded to discuss the several matters which the Indians desired to submit to the consideration of the

Friends then in attendance, and after a highly interesting and satisfactory conference, and the information and counsel desired, had been communicated to the Indians, the Council being about to adjourn, John Hudson, Ex-President of the Nation, arose and delivered an impressive parting address, during which he said:

“Brothers:—We believe that the Great Spirit looks down upon us in this Council with approbation; for we know that it is pleasing to him that all men should do good to one another. He has given to mankind a good spirit, by which they can know what is right and what is wrong. He has made known to them his will, and he commands all to obey it. He is no respecter of persons, yet he hates pride and self-exaltation. He who follows the dictates of that good spirit, which is given to man, there is no fear but that he will do that which is right. No matter how humble his station may be, the Great Spirit looks down upon him with pleasure.

“Brothers:—The Council of this Nation wishes you to continue your love and your kindness. It is their cherished hope that the chain of friendship which has so long bound us together, may grow stronger and brighter; and we now say that we shall endeavor to do all in our power to follow the advice and instruction which have been given to us by this Delegation of Friends; for it is our sincere desire that our people may become united, and live in harmony and peace. We need your assistance and advice in bringing about this result. We have only to ask that you may have patience and bear with us, for our minds have not yet, all become straightened.

“Brothers:—We observe that the present Delegation of Friends is composed of aged men; men who have become experienced in the world; men who know what it is to do rightly, and who live rightly. You, HAI-WAU-NOH, have now seen nearly eighty winters. You have become an aged man. We love and reverence you for your age, but more for the interest you have taken in our concerns when we were in trouble and distress. We entreat of you, therefore, that you may continue still to look

upon us and pity us in our lowly condition, and as the EMBASSADOR of the Seneca Nation, we hope and believe that you will keep a diligent watch over the interests of your adopted nation; that being acquainted with the nature of "PROWLING WOLVES," and with the circumstances in which our nation now stands, should you discover any evils threatening our nation, you will immediately inform it of the danger.

"Brothers:—In conclusion we say, we regret to have to part with you so soon; and as we may never meet again, (still we have hopes that we may,) with warm hearts we will take you by the hand and bid you farewell. May the Great Spirit protect you safely on your journey home, and when your sun shall have set beyond the western hills, and darkness shall enshroud the mounds that cover you, may the moon, when rising above the tree tops in the east, look down on your graves in peace."



It may perhaps not be improper here to remark, that the opinion generally prevails among the North American Indians, that they are a *sui generis*—a distinct race, not descended from the same original parents, as either of the varied colored inhabitants in other parts of the world. According to their cosmogony, which is of great traditional antiquity, and which as respects the original chaotic condition of matter, its gradual reduction into order—the subsequent progress of creation, and the once spontaneous productions of the Earth, it bears a remarkable coincidence with the account given us in the Bible. They say, the Great Spirit, after the water was collected into seas, created fishes and other aquatic animals—that after there was dry land, and it became clothed with vegetation and produced food for them, he created birds and other animals—that when he had done this, he came down and looked upon all that he had made, and saw that it was

beautiful; and that he then created man of different colors, out of the ground, in the several countries where he placed them, and adopted their condition and capacities to the climates and condition of the countries they were to inhabit—and that the Red men were the last and most perfect part of his creation.*

At a treaty held in the year 1744, between Commissioners on the part of the States of Virginia and Maryland, and certain of the Northern Tribes of Indians, for the purpose of agreeing on the lines of division between them, the Commissioner of Maryland claimed to own the country west of the Blue Ridge mountain, upon the ground that it belonged to Maryland one hundred years. In denying the right of Maryland to it, Can-nas-sa-tego, an Iroquois Chief, said:

“Brother, the Governor of Maryland! when you mentioned yesterday, the affair of the land, you said you went back to old times, and told us you had been in possession of the land in Maryland, above one hundred years! but what is one hundred years to the length of time since our claim begun? for we must tell you that long before one hundred years ago, *our ancestors came out of this very ground*, and their children have remained in possession of it ever since. Your ancestors came out of the ground that lies beyond the sea; there you may have a just claim, but you must admit, we are your older brothers here, and that these lands belonged to us long before you knew anything about them.”

Ga-chra-do-dow, another Chief, said: “Brother! the world at first, was made on the other side of the great water, different

*See speech of Red Jacket, page 60, and speech of Can-nas-sa-tego, page 75.

from what it was made on this side, as may be known from the different color of our skin, and of our flesh, and what you call justice, may not be so among us. You have your laws and customs, and we have ours also."

POSTSCRIPT.

After the preceding account of the difficulties in which the Seneca nation have been involved, had been printed, the following correspondence and documents were received. They are here added, that the friends of these Indians may be apprized of the dangers and troubles to which they are yet exposed, and of there still being a necessity for a watchful and friendly care over them.

DEPARTMENT OF THE INTERIOR, OFFICE OF }
INDIAN AFFAIRS, *Dec. 22d*, 1856. }

SIR:—Information has been received at this office, through the Agent and the Council of the Seneca Indians residing in the State of New York, that large tracts of land belonging to those Indians, forming part of the Allegany and Cattaraugus Reservations respectively, were sold by the Comptroller of that State in the month of November, 1853, for delinquent highway taxes for the years 1845, '46, '47, and '48, and that deeds for the same were granted to the purchasers in January last, which will vest the title in them, unless the lands are redeemed before the 15th of April, 1857.

I am also informed by the Agent, that these lands were assessed, by virtue of an act of the Legislature of New York, approved April 24th, 1853, authorizing the lands of non-residents to be assessed for highway purposes. If he be correct in this respect, the Commissioners of Highways must have consid-

ered and treated these lands as having been disposed of by the Indians, and as having become the property of a non-resident Company, or of individuals, which is not the case. At the time the treaty between the United States and the New York Indians was negotiated, at Buffalo Creek, January 15, 1838, the Seneca Nation contracted to sell their four reservations in the State of New York, to Messrs. Thomas Ludlow Ogden and Joseph Fellows, commonly known as the Ogden Company, but subsequently by the treaty of May 20, 1842, the said sale was annulled and rescinded, in so far as the Allegany and Cattaraugus Reservations were concerned, and the Nation restored to all their rights, in respect to these tracts, which they have since continued to own and occupy, and of course did so own and occupy at the several times when these taxes were assessed. By a provision contained in this last mentioned treaty, the Government agreed to use its influence to protect the lands of the said Seneca Indians Reservation in their possessions in the State of New York, from taxation for highway or other purposes, until such lands should be disposed of by them and the possession thereof relinquished.

In the discharge of my duty as the Commissioner of Indian Affairs, I feel it necessary and proper to lay this matter before your excellency, and to ask your favorable influence to induce the Legislature of New York, at its approaching session, to remit the taxes for which the lands were sold, and the penalty attending such sale, and to cancel the Comptroller's Deeds therefor.

A petition from the Seneca Nation to that effect will be laid before the Legislature, by my advice, and with the concurrence of your Excellency, there can be little doubt that the desired relief will be afforded.

I have the honor to be, with great respect,

Your obedient servant,

GEORGE W. MANYPENNY,

Commissioner.

His Excellency MYRON H. CLARK,

Governor, &c.

STATE OF NEW YORK, EXECUTIVE DEPARTMENT, }
ALBANY, *Dec. 26, 1856.*

E. MERIAM, Esq.,

Dear Sir:—I am in receipt of your note relative to the taxes on the lands of the Indians in this State. I have also received a communication from the Department of the Indian Affairs at Washington, on the same subject.

I deem it to be the duty of the State to carry out the agreement contained in the treaty made with the Indians in that respect: and even if there were no stipulations of that kind, I consider it equitable, just and proper that the lands owned and occupied by the Indians should be exempt from taxes.

I will lay the communication before the Governor elect, and advise him to call the attention of the Legislature to this subject in his Message.

I have the honor to be, with great respect, your obedient servant.

MYRON H. CLARK.

There will be a united effort in this matter of protecting the Indians from the loss of their land. Mr. THOMAS, of Baltimore, a member of the SOCIETY OF FRIENDS, is charged by the YEARLY MEETINGS OF FRIENDS, of New York, Genessee, Philadelphia and Baltimore, with the duty of holding conferences with the United States Government at Washington, in relation to Indian affairs, and the letter which Governor Clark speaks of as having been received from the Department of Indian Affairs at Washington, was at the instance of Mr. Thomas, of Baltimore, who visited Washington expressly in reference to this matter.

STATE OF NEW YORK, Assembly Chamber, }
Albany, Jan. 8th, 1857.

Resolved, That the Comptroller be requested to report to this House whether any lands owned by the Indians of this State have been sold for taxes, and if so, what lands; when they were sold; under what law; what is the amount of taxes unpaid;

when the time of redemption will expire, and his opinion in regard to the validity of such sales.

STATE OF NEW YORK, Comptroller's Office, }
Albany, January 9, 1857. }

HON. DEWITT C. LITTLEJOHN,

Speaker of the Assembly:

Sir.—In reply to the Resolution of the Assembly of the 8th inst., on the subject of lands owned by the Indians of this State which were sold for taxes, I have the honor herewith to submit my report. I am, very respectfully, your obedient servant,

L. BURROWS, *Comptroller.*

COMPTROLLER'S OFFICE, *Albany, Jan. 9th, 1857.*

In compliance with the foregoing resolution of the Assembly, the Comptroller submits the annexed statement, which exhibits the description of the lands sold in 1853, said to belong to the Indians residing in Cattaraugus county, and the amount for which the same was sold.

The lands referred to, were sold in pursuance of Chap. 13, 1 Vol., Revised Statutes, relative to the assessment and collection of taxes; and the time allowed for the redemption of such lands expired on the 25th November, 1855. The sale is valid for anything that appears from the books and documents in this office.

Respectfully submitted,

L. BURROWS, *Comptroller.*

A statement of lands lying in the county of Cattaraugus, said to belong to Indians residing in the State of New York, which were sold by the Comptroller in the year 1853 for the unpaid highway taxes of one or all of the years 1845, 1846, 1847, and 1848, viz:

Six thousand acres: being all that part of the Allegany Reservation lying in the town of Carrolton, sold to the people of the State for four hundred and thirty-eight dollars and fourteen cents (\$438 14).

Eight thousand six hundred acres: being all of the aforesaid Reservation lying in the town of Cold Spring, sold to the people of the State for eight hundred and six dollars and sixty-seven cents (\$806 67).

Nine thousand acres, being all of the aforesaid reservation, lying in the town of Little Valley, sold to Harvey Baldwin for seven hundred and sixty-two dollars and thirty-seven cents (\$762 37) and conveyed June 11th, 1856, to N. W. Pendergast.

Two thousand four hundred acres: being all of the aforesaid reservation, lying in the town of Randolph, sold to Harvey Baldwin for one hundred and one dollars and seventy cents, (101 70) and conveyed to the said Harvey Baldwin on the third day of January, 1856.

Two thousand four hundred acres: being all of the aforesaid reservation lying in the town of South Valley, sold to Harvey Baldwin for forty-eight dollars and eighty-one cents, (\$48 81) and conveyed June 11, 1856, to N. W. Pendergast.

Two thousand two hundred acres, being part of the Cattaraugus reservation, bounded south by lots 49, 41, 33, 25, and part of lot 17, in township No. 6, range No. 9 west by the county line, northerly and easterly by Cattaraugus Creek, sold to Harvey Baldwin for one hundred and eight dollars and sixty-nine cents, (\$108 69) and conveyed to the said Harvey Baldwin on the third day of January, 1856.

One thousand two hundred acres, being that part of the Cattaraugus reservation, bounded West by lots 14, 15, and the South part of lot 16. South by lots 6, 9, and part of lot 3, in township No. 6, range 9, North and East by Cattaraugus creek: sold to John Kiersted, Jun., for sixty-one dollars and thirty cents, (\$61 30) and conveyed to the said John Kiersted, on the fourth day of January, 1856.

STATE OF NEW YORK, EXECUTIVE DEPARTMENT, }
ALBANY, Jan. 17, 1857. }

Sir:—I have the honor to transmit herewith to the Assembly a communication received by my predecessor from the office of

Indian Affairs in the Department of the Interior of the United States, in relation to the sale in the month of November, 1853, of large tracts of lands belonging to the Seneca Indians in Allegany and Cattaraugus counties, of this State, for delinquent highway taxes.

JOHN A. KING, *Governor*
of the State of New York.

To the HON. DEWITT C. LITTLEJOHN,
Speaker of the Assembly.

Memorial of the President and Counsellors of the Seneca Nation of Indians, to the Honorable Senate and Assembly of the State of New York.

Your petitioners, the President and Counsellors of the Seneca Nation of Indians, in special council assembled, at their council house on the Cattaraugus Reservation, in said State, on the first day of January, A. D. 1857, in pursuance of previous notice duly given, do respectfully represent, that the notices of which printed copies are hereto annexed, of the sale of thirteen thousand three hundred acres of the lands of said nation, on the Cattaraugus and Allegany Reservations, by the Comptroller, for taxes, were served on each of your petitioners in the month of November last, and the service of such notices was the first intimation which your petitioners and other Indians of said nation had of the sale of said land for taxes. That no demand for the payment of said taxes was ever made of the constituted government of said nation, nor of any individual Indian living on said Reservations or either of them, although said Indians have always been in the actual possession of said lands; and although at the time the warrants for the collection of said taxes were in the hands of the town collectors unreturned, the Indians residing on said lands in such towns, owned and possessed horses, cattle, crops of grain and other personal property of the value of many thousands of dollars, yet no effort whatever was made to collect any portion of said taxes out of the said personal property, then being on the lands described in the notices hereto annexed.

The amount of money necessary to redeem said lands is \$1406 70, and the same should be paid to the Treasurer of the

State of New York by the fifteenth day of May next. Your petitioners have been informed since the service of said notices, that said taxes were levied at the time the Ogden Land Company claimed to own said lands by virtue of the iniquitous treaty of 1833, which said pretended Treaty has been proved to have been obtained by perjury, by bribery and by forgeries of the most bold and outrageous character; and the same was not in fact signed by a majority of the Chiefs and head men of said nation, and was never assented to by one-fifteenth part of the Indians living on said Reservations at the time of the making of such Treaty; and your petitioners therefore claim that neither the legal nor equitable title to said Reservations was changed thereby, and the said Company have long since abandoned all claim of title to said Reservations, by virtue of such pretended Treaty.

And your petitioners in behalf of the Senecas residing on said Reservations, further and respectfully represent, that said lands were given to our forefathers, by the Great Spirit, long before the white man ever saw or heard of the same, and from them have descended to their children. That at an early day the Crown of England claimed the pre-emptive right to the soil of said Reservations with other lands of the Senecas; and England granted such pre-emptive right to the State of Massachusetts, the validity of which grant was recognized to be binding by the State of New York, so far as the latter State was concerned, and when Massachusetts ceded the civil jurisdiction of the county to New York, she expressly *reserved* the pre-emptive right to the soil of these lands, and when afterwards Massachusetts sold such pre-emptive right to a company of speculators, the sale was made upon the express condition that these lands should never be taken from the Indians, but when purchased from them by their voluntary consent, and further that no treaty for its transfer should ever be deemed valid, except when made in the presence and under the guardianship of a Commissioner appointed by the Governor and Council of Massachusetts, whose duty it should be to see that the Indians were fairly dealt with.

And your petitioners further and respectfully represent that the Senecas have been repeatedly recognized both by the government of this State and of the United States as an Independent

Nation, living under their own institutions, and that as such, treaties have been made with them as with other Sovereign States, that they are not claimed or acknowledged to be citizens of New York, and have no representation in her Legislature, and consequently, according to an admitted maxim of your own government, such Legislature has no power to tax them, nor have your petitioners ever before heard of an instance in which Indian lands have been sold for taxes.

And your petitioners claim, that the money realized from the sale of said lands for taxes, having been paid into the Treasury of this State, and been levied for its benefit, and without any legal authority, it would seem to be just and equitable, that the State should redeem the same.

And your petitioners take this opportunity of acknowledging with lively gratitude the many beneficent acts recently passed by the Legislature of New York, for the education, protection and improvement of our people, and we most ardently hope and trust that the same generous policy, and the same watchful guardianship of the rights of the Senecas, which have heretofore characterized the Legislation of this great State in respect to them, may be continued in all time to come.

And your petitioners, for and in behalf of said Nation, pray that you may grant them relief in the premises by passing a law making provisions for the redemption of said land, or for such further or other relief as in your wisdom may be equitable and as shall efficiently protect the rights of your petitioners.

JOHN LUKE, *President of Seneca Nation of Indians.*

their

JOSEPH x DUDLEY, *Councillor* “ “

JOSHUA x TURKEY, “ “ “

PETER x SNOW, “ “ “

JOHN x BENNETT, 1st “ “ “

GEO. x KENJOCKETY, “ “ “

marks.

SENECA WHITE, “ “ “

[Attest.]

JAS. S. GREENBLANKET, *Clerk of Seneca Nation of Indians,*

D. SHERMAN, *Attorney* “ “ “

STATE OF NEW YORK, NO. 28. IN SENATE, }
 January 22nd, 1857. }

*REPORT of the Judiciary Committee on the Memorial of the
 President and Councillors of the Seneca nation of Indians,
 for relief from taxes.*

The judiciary committee, to which was referred the memorial of the President and Councillors of the Seneca Nation of Indians on the Cattaraugus and Allegany reservations, praying for relief from certain taxes alleged to have been illegally assessed thereon, respectfully report:

That they have investigated the facts and statements set forth in said memorial, and have caused an examination to be made in the Comptroller's office as to the taxes assessed on said reservations, and have also examined the several treaties heretofore made with the Senecas and certain decisions of the courts of this State and of the United States, touching the authority of the Legislature of this State to impose such taxes, and present the following as the result of their investigations.

At an early day Great Britain ceded to the State of Massachusetts the right of pre-emption to a large tract of land in the western part of this State, including these reservations, which was simply the right to purchase of the Indians whenever they might choose to sell, to the exclusion of any other nation, and upon such terms as the parties could agree. 6 Hill, 546.

By the first article of the convention, a compact between Massachusetts and New York, dated December 16th, 1786, Massachusetts ceded to New York all her right and title "to the government, sovereignty and jurisdiction" of these with other lands therein described, and by the second article thereof, New York ceded to Massachusetts "*the right of the pre-emption of the soil of the native Indians*" of the same lands; and by the tenth article of such compact it was covenanted on the part of New York, that no purchase from the native Indians of any grantee of Massachusetts should be made, unless the same was made in the presence of a superintendent appointed by Massachusetts to see

that the Indians were fairly dealt by, and unless such purchase should be confirmed by the State of Massachusetts. On the 11th day of May, 1791, Massachusetts conveyed the pre-emption rights in these lands to Robert Morris, and soon afterwards Robert Morris conveyed the pre-emption of the same to what is known as the Ogden Company.

The treaty of peace concluded with the Six Nations at Fort Stanwix, October 22, 1784, defines the boundaries of their lands including these reservations, and the United States therein covenant that said Indians should be *secure* in the peaceable possession of same. (U. S. Statutes at Large, Indian Treaties, vols. 7—15.)

And by the treaty between the United States and the Six Nations, at Fort Harmar, concluded January 9, 1789, the title of said Indians to their reservations is again confirmed. (U. S. Statutes at Large, Indian Treaties, vol. 7, p. 33.)

The treaty between the United States and the Six Nations, held at Canandaigua, Nov. 11, 1791, in the 3d article thereof, defines the boundaries of the lands belonging to the *Seneca Nation of Indians*, which boundaries include the Allegany and Cattaraugus Reservations and concludes as follows:

“Now the United States acknowledge all the lands within the aforementioned boundaries to be the property of the Seneca Nation; and the United States will never claim the same, nor disturb the Senecas in the free use and enjoyment thereof; *but it shall remain theirs until they choose to sell the same to the people of the United States who have the right to purchase.*” (U. S. S., Indian Treaties, vol. 7, 44.)

By a treaty between the various tribes of New York Indians, (ib. 550.) held at Buffalo creek, January 15th, 1838, and confirmed by the United States, April 4th, 1840, the Senecas in consideration of certain lands thereby ceded to them west of the Mississippi river, and of \$202,000 to be paid them by the Ogden Co., conveyed to said company their four reservations in the western part of this State, to wit: the Buffalo creek, Tonawanda, Cattaraugus and Allegany reservations, containing in the aggregate about 115,000 acres of choice land. The Senecas on the

Allegany and Cattaraugus reservations, as is well known, were greatly incensed at this treaty, and claimed that the same was obtained by gross frauds and irregularities. Fourteen-fifteenths of the Senecas on these two reservations were alleged to be violently opposed to the treaty, and proclaimed their unqualified opposition to the same, and that they would surrender their lands and homes only as they might be driven from them by superior force.

The Indians refusing to surrender possession of their lands for the reasons alleged, the controversy resulted in a compromise between the Senecas and the Ogden Co.; and another treaty, known as the *compromise treaty*, was concluded at Buffalo creek, May 20, 1842, to which treaty the State of New York, Massachusetts, the United States, and the Seneca Nation were respectively parties, and such treaty recites, *verbatim*, the agreement of same date between the Senecas and the Ogden Co., whereby the Ogden Co. "covenant and agree that the said Nation shall and may continue in the occupation and enjoyment of the whole of said two tracts of land called the Cattaraugus reservation and the Allegany reservation, *with the same right and title in all things as they had and possessed therein immediately before the date of the treaty of 1838*, saving to said Ogden Co. the right of pre-emption." And by the second article of such agreement, the Seneca Nation released to said Ogden Co. all claim and title to the Buffalo creek and Tonawanda reservations, confirming in that respect the treaty of 1838; and the 9th article of such agreement provides as follows: "Art. 9. The parties to this compact mutually agree to solicit the influence of the United States to protect such of the lands of the Senecas within the State of New York as may from time to time remain in their possession from all *taxes and assessments* for roads, highways and other purposes, until such lands shall be sold and conveyed by said Indians and possession thereof shall be relinquished by them." Such treaty after reciting said agreement in full, provides as follows:

"Therefore taking into consideration the premises it is agreed and stipulated by and between the United States of America and the Seneca Nation of Indians as follows:

First, the United States of America consent to the several *articles* and *stipulations* contained in the last recited indenture between the said Ogden and Fellows above set forth."

In the opinion of your committee there can be no doubt but this treaty placed the title of the Senecas to the Allegany and Cattaraugus reservations in the same condition that it was prior to the treaty of 1838. The State of New York being a party to the treaty of 1842, is of course bound by the provisions, and is also bound not to impose taxes on said reservations.

By an act of the Legislature of this State, passed May 4th, 1849, (chap. 254,) the boards of supervisors of the counties of Allegany, Erie, Chautauque and Cattaraugus were respectively authorised at any time to assess highway taxes on the Cattaraugus and Allegany reservations within their respective counties, necessary to put the highways and bridges on said reservations in good repair; and the board of supervisors of Cattaraugus county under said act, assessed 31,800 acres of the Allegany and Cattaraugus reservations in that county in the years 1845, 1846, 1847, and 1848; and said taxes not being paid, the said lands were, in the month of November 1853, sold by the Comptroller, of which lands the Comptroller has bid in for the State 14,600 acres, and the Comptroller has sold and conveyed to other purchasers 17,200 acres. The amount of money necessary to redeem said lands so sold (see memorial) is \$1,491 55; and notices to redeem said lands were, in November last, served on the Indians residing on said reservations, and the time to redeem same will expire in May next. No taxes have been assessed on said reservations, under said act, except those above mentioned, which are in the county of Cattaraugus.

Your committee are of the opinion that the act above cited, of the Legislature of this State, passed in 1840, was enacted solely with the view to tax said lands as against the Ogden Company, and on the supposition that the treaty of 1838 was valid and binding.

And your committee are also of the opinion that by the subsequent treaty of 1842, to which this State was a party, the act of 1840 was in fact annulled, and the said assessments of taxes

made thereafter, on which said lands have been sold for taxes by the Comptroller, were made without any authority of law; and your committee have been unable to learn of any instance in which Indian lands have heretofore been sold for taxes excepting those above mentioned.

The policy of the people of this State towards the various tribes of native Indians residing therein, has always been liberal, just and beneficent. The learned judge in the case of *Ogden vs. Lee*, reported in 6 Hill, 549, well remarked, that "so far as the State of New York is concerned, he was happy to say, that beyond what may have been acquired by conquest in lawful war, the Indians have never been deprived of a single foot of their lands without their voluntary consent."

From a careful examination of the several treaties heretofore made with the Senecas, and decisions of the highest courts of this State and of the United States, (6 Hill, 549; 5 Denio, 628; 6 Peters, 544; 9 Peters, 745; 2d vol. Public Land Laws, p. 158;) your committee are clearly of the opinion, that the Senecas do not hold the title to the Cattaraugus and Alleghany reservations under the State of New York, nor under the United States, but their title to the same is *original, absolute and exclusive*. And as the Senecas are not citizens of this State, and have no representative in our Legislature, we can claim no right to tax them. (Chap. 378, Session Laws of 1849; chap. 150, Session Laws of 1845) They are rather to be regarded as a distinct and independent nation, having a constitution and representative government of their own.

The money advanced by the State on the sale of these lands, having been expended on these reservations in the construction of roads without request from the Senecas, and under a mistaken view as to the force of a statute which was annulled by a treaty subsequently made, and the board of supervisors of Cattaraugus county being simply the agents through which the money was disbursed; and the citizens of said county, from the peculiarly isolated situation of these reservations in respect to their business interests, not being materially benefitted in the construction of said roads, it would, in the opinion of your committee, be just

and equitable for the State to redeem these lands, and make provision against their assessment in future.

Your committee are therefore unanimously of the opinion that the prayer of the petitioners should be granted, and accordingly ask leave to introduce the accompanying bill; all which is respectfully submitted.

STATE OF NEW YORK, No. 85, IN SENATE, }
 January 22nd, 1857. }

Reported by Mr. NOXON, from the committee on the judiciary—
 read twice, and committed to the committee of the whole.

AN ACT

TO RELIEVE THE SENECA NATION OF INDIANS FROM CERTAIN
 TAXES ON THE ALLEGANY AND CATTARAUGUS RESERVATIONS.

*The People of the State of New York, represented in Senate
 and Assembly, do enact as follows:*

SECTION 1. The title of every such lot or parcel of the Allegany reservation, and of every such lot or parcel of the Cattaraugus reservation as has been heretofore sold by the comptroller for taxes, and bid in by him for the State, is hereby released by the State to the Seneca nation of Indians residing on said reservation.

SEC. 2. The treasurer of this state is hereby directed to pay out of the treasury thereof, on the warrant of the comptroller, to every grantee, or to the person claiming under him, of every part or parcel of either of said reservations as has heretofore been sold by said comptroller for taxes, the consideration money paid on any such sale, with the addition of seven per cent. per annum thereon from the time of such sale, together with the amount that shall have been paid for the deed, in redemption of every such lot or parcel of land so sold as aforesaid, and the expenses so to be incurred in redeeming said lands shall not be charged

over to any town or county, but the same shall be borne by the state.

SEC. 3. Upon such redemption as provided for in the last preceding section being made, the comptroller shall give to said Seneca nation of Indians a certificate under his hand and seal, stating the payment, the year in which the sale was made, and showing particularly what land such payment is intended to redeem; and such certificate shall be evidence of such redemption, and may be recorded by the clerk of the county wherein such land is situate, in the book for the recording of deeds, and thereafter said Seneca nation of Indians shall own said land in fee simple.

SEC. 4. No tax shall hereafter be assessed or imposed on either of said reservations, or on any part thereof, for any purposes whatever, so long as said reservations remain the property of the Seneca nation, and all acts of the legislature of this state conflicting with the provisions of this section, are hereby repealed.

SEC. 5. This act shall take effect immediately.

The statements in this Report, and the provisions in the bill that accompanies it, manifest a most benevolent and laudable disposition on the part of the constituted authorities of the State of New York, to protect the Senecas in their just rights, and to assure to them their property. Any authority in that State, to tax those Indians, is disclaimed, and it is acknowledged, that the land owned by them never belonged to the State of New York. It is also conceded, that the right of these Indians to their land never was affected or impaired by the fraudulent treaty of 1838, and that it remains to be theirs "*with the same right and title in all things, as they had and possessed therein immediately before the date of that treaty*, and that the Ogden Company have no right in or to it, save only a right to purchase it."

The committee of the Senate further say—that from a careful examination of the several treaties heretofore made with the

Senecas, and decisions of the highest courts of this State, and of the United States, your committee are clearly of the opinion, that the Senecas do not hold the title to the Cattaraugus and Allegany Reservations under the State of New York, *but their title to the same is ORIGINAL, ABSOLUTE and EXCLUSIVE.*

In addition to these admissions on the part of the constituted authorities of the State of New York, the following assurance was given to those Indians by Dewitt Clinton, when Governor: "You may retain your lands as long as you please—no man can deprive you of them without your consent. *The State will protect you in the enjoyment of your property.*" Added to this, in a solemn declaration addressed to them by General Washington, when he was President of the United States, he said:—"Hear well and let it be heard by every person in your Nation, the President of THE UNITED STATES DECLARES, THAT THE GENERAL GOVERNMENT CONSIDERS ITSELF BOUND TO PROTECT YOU IN ALL THE LANDS SECURED TO YOU BY THE TREATY OF FORT STANWIX, IN 1784." With all these assurances and guarantees, the title of the Senecas to the lands they own, rests upon the most impregnable foundation that any title to property can be placed, and the investigations that were rendered necessary, by the recent attempt to take from them their comfortable homes, have led to more full information respecting their title to the land they claim, and has also placed before the country, the important fact, that their title, which is pronounced to be "*original, absolute and exclusive,*" has been solemnly guaranteed to them, both by the States of New York and Massachusetts, and also by the Government of the United States.

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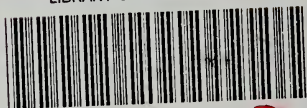


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